

EXHIBIT 15



Planet Depos®
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Transcript of John Pulichino

Date: November 6, 2023

Case: SwissDigital USA Co., LTD. -v- Samsonite International S.A.

Planet Depos

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1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DIVISION OF TEXAS
3 WACO DIVISION

4 - - - - - x

5 SWISSDIGITAL USA CO. :
6 LTD., :
7 Plaintiff, : Civil Action No.
8 v. : 6:23-cv-00196-ADA
9 SAMSONITE :
10 INTERNATIONAL S.A., :
11 Defendant. :

12 - - - - - x

13 Videotaped Deposition of JOHN PULICHINO
14 Conducted Remotely
15 Monday, November 6, 2023
16 10:05 a.m.

22 Job No.: 513420

23 Pages: 1 - 101

24 Reported By: Anita M. Trombetta, RMR, CRR
25

Transcript of John Pulichino
Conducted on November 6, 2023

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1 Videotaped deposition of JOHN PULICHINO,
2 conducted remotely pursuant to subpoena, before
3 Anita M. Trombetta, RMR, CRR, Notary Public in and
4 for the State of New York.

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

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SCOTT SMILEY, ESQUIRE

CONCEPT LAW GROUP

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ALSO PRESENT:

ERIN SCHUPPERT, Planet Depos Videographer

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I N D E X

WITNESS

JOHN PULICHINO

EXAMINATION BY

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MR. CHUNG

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III-000096

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P R O C E E D I N G S

THE VIDEOGRAPHER: Today's date is 10:05:46
November 6, 2023, the time on the video monitor is 10:05:59
10:05. Here begins Media No. 1 in the remote video 10:06:03
deposition of John Pulichino, in the matter of 10:06:09
Swissdigital USA Company Limited vs. Samsonite 10:06:14
International SA, in the Western District of Texas, 10:06:18
Waco Division, Case No. 6:23-CV-00196-ADA. 10:06:23

The remote videographer today is 10:06:34
Erin Schuppert representing Planet Depos. All 10:06:37
parties of this video deposition are attending 10:06:41
remotely. 10:06:43

Would counsel please voice identify 10:06:44
themselves and state whom they represent. 10:06:46

MR. CHUNG: This is Wonjoon Chung of 10:06:49
Fish & Richardson PC on behalf of defendant 10:06:53
Samsonite International SA. 10:06:57

MR. KEYHANI: This is Darius Keyhani and 10:06:59
Frances Stephenson on behalf of the plaintiff, 10:07:04
Swissdigital. 10:07:06

MR. BROWN: And good morning, everybody. 10:07:08
This is Alex Brown. I'm also joined by 10:07:09
Scott Smiley of the Concept Law Group on behalf of 10:07:12
the third-party witness, Group III, whose 10:07:16
representative is John Pulichino. 10:07:18

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1	THE VIDEOGRAPHER: The court reporter	10:07:22
2	today is Anita Trombetta representing	10:07:23
3	Planet Depos. The witness will now be sworn and the	10:07:28
4	deposition may proceed.	10:07:31
5	J O H N P U L I C H I N O,	
6	called as a witness, having been duly sworn by a	
7	Notary Public, was examined and testified as	
8	follows:	
9	EXAMINATION BY	
10	MR. CHUNG:	
11	Q. Thank you.	10:07:49
12	Good morning, sir.	10:07:49
13	A. Good morning.	10:07:50
14	Q. Thank you for making the time to be here	10:07:51
15	today. Could you please state your full name for	10:07:53
16	the record.	10:07:55
17	A. Yeah, John Pulichino.	10:07:55
18	Q. And what is your address, Mr. Pulichino?	10:07:58
19	A. 2200 North Ocean Boulevard,	10:08:02
20	Fort Lauderdale, Florida.	10:08:06
21	Q. And, Mr. Pulichino, have you ever been	10:08:08
22	deposed before?	10:08:11
23	A. Yes.	10:08:13
24	Q. How many times have you been deposed?	10:08:13
25	A. About six times, I'd say.	10:08:17

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1	Q. Okay. So you're probably pretty familiar	10:08:22
2	with the process, but just to remind you, I'm going	10:08:26
3	to go over a few of the ground rules about how this	10:08:30
4	is going to work. Is that okay with you?	10:08:33
5	A. Fine.	10:08:34
6	Q. And you understand that during this	10:08:35
7	deposition, I'm going to ask you some questions and	10:08:40
8	you're going to answer them as if this were	10:08:42
9	proceeding in a courtroom, right?	10:08:45
10	A. Yes.	10:08:47
11	Q. And, in fact, the deposition is being	10:08:48
12	videotaped, and this video and audio may be played	10:08:52
13	for a jury if this case actually goes to trial. Do	10:08:55
14	you understand that?	10:08:59
15	A. Yes.	10:08:59
16	Q. And you've been doing a great job so far,	10:09:00
17	but you also understand that in order for the court	10:09:03
18	reporter to be able to take down your answers, you	10:09:06
19	will have to give verbal answers, not a nod or a	10:09:09
20	gesture?	10:09:12
21	A. Yes.	10:09:13
22	Q. And it might be typical in normal	10:09:13
23	conversation to start answering a question before I	10:09:19
24	finish the question. But just make the transcript a	10:09:22
25	little cleaner, would you agree to wait until I	10:09:25

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1	finish your question, so that the court reporter can	10:09:27
2	transcribe your testimony accurately?	10:09:30
3	A. Yes.	10:09:31
4	Q. And similarly, I'm going to try to wait	10:09:32
5	until you finish an answer before I move on to the	10:09:37
6	next question. Does that sound good to you?	10:09:39
7	A. Yes.	10:09:41
8	Q. And, Mr. Pulichino, just now, you swore an	10:09:42
9	oath to tell the truth, right?	10:09:46
10	A. Yes.	10:09:47
11	Q. You understand that during this entire	10:09:48
12	deposition, you are under oath when answering my	10:09:51
13	questions, correct?	10:09:53
14	A. Yes.	10:09:54
15	Q. And you have to answer each question	10:09:55
16	truthfully, to the best of your ability, right?	10:09:58
17	A. Yes.	10:10:00
18	Q. Is there anything that might prevent you	10:10:01
19	from answering truthfully and to the best of your	10:10:05
20	ability today?	10:10:07
21	A. No.	10:10:09
22	Q. Are you on any medication or other	10:10:10
23	substances that might impair your ability to	10:10:14
24	remember anything or answer my questions accurately?	10:10:16
25	A. No.	10:10:20

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1	Q.	And where are you sitting today for this	10:10:20
2		deposition?	10:10:28
3	A.	I'm sitting at the conference room at the	10:10:28
4		offices of Concept Law.	10:10:31
5	Q.	And are you in a room where you won't be	10:10:33
6		disturbed?	10:10:37
7	A.	Yes.	10:10:38
8	Q.	And during this deposition, if I ask a	10:10:39
9		question and you don't understand it, will you agree	10:10:45
10		to let me know so that I can clarify the question?	10:10:47
11	A.	Yes.	10:10:49
12	Q.	And if you do answer a question, I'm going	10:10:50
13		to assume that you understand it; is that fair?	10:10:53
14	A.	Yes.	10:10:56
15	Q.	I'm going to try and take a break every	10:10:57
16		hour or so, but, to be honest, I'm not very good at	10:11:02
17		keeping track of time. So if you need a break at	10:11:07
18		any point, you can just let me know, we can take	10:11:09
19		that break. Does that sound good?	10:11:11
20	A.	Yes.	10:11:13
21	Q.	The only caveat is that I ask that if	10:11:14
22		there is a question pending, that you answer that	10:11:17
23		question before we go on break. Does that make	10:11:19
24		sense?	10:11:22
25	A.	Yes.	10:11:22

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1	Q.	And if you realize at any point during the	10:11:23
2		deposition that any of the answers you've given to	10:11:26
3		previous questions are incorrect or incomplete, you	10:11:28
4		can let me know and we can go back to that and make	10:11:31
5		sure we get your correct answer on the record. Does	10:11:33
6		that sound good?	10:11:36
7	A.	Yes.	10:11:37
8	Q.	Okay. Now, Mr. Pulichino, you mentioned	10:11:38
9		that you've been deposed six times in the past,	10:11:45
10		correct?	10:11:47
11	A.	Yes.	10:11:47
12	Q.	When was the last time you were deposed?	10:11:48
13	A.	Let's see. Probably within the last	10:11:51
14		90 days, I guess. 90, yeah. Earlier this year.	10:11:57
15	Q.	Do you remember the name of the case in	10:12:01
16		connection with which you were deposed?	10:12:03
17	A.	It was a case involving a litigation	10:12:06
18		between Group III and Targus International.	10:12:11
19	Q.	And what was that case about, do you know?	10:12:18
20	A.	It was a patent infringement litigation.	10:12:20
21	Q.	And without going into any confidential	10:12:24
22		information, what was your relevance to that case?	10:12:29
23	A.	As an executive -- executive chairman of	10:12:34
24		Group III International, I was deposed to answer a	10:12:39
25		variety of questions by the part of	10:12:44

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1	Targus International.	10:12:51
2	Q. I'm sorry, you said you were deposed to	10:12:57
3	answer a variety of questions about	10:12:59
4	Targus International?	10:13:03
5	A. No, by Targus International.	10:13:04
6	Q. Oh, by.	10:13:08
7	What was the subject of your testimony in	10:13:10
8	that case?	10:13:11
9	A. A variety of questions regarding the	10:13:12
10	patent and documentation that we had provided that	10:13:17
11	was requested by Targus, asking questions about the	10:13:23
12	documentation that was provided to them.	10:13:28
13	Q. So was Group III the plaintiff in that	10:13:31
14	case?	10:13:34
15	A. We were the defendant.	10:13:35
16	Q. You were the defendant. Okay.	10:13:36
17	And how about the other five times you	10:13:38
18	were deposed? Do you remember what those cases were	10:13:43
19	about?	10:13:46
20	A. One was a trademark litigation, and that	10:13:48
21	took place about a year ago. I have been deposed on	10:13:53
22	some matters revolving -- involving sales	10:14:02
23	representation matters with the company.	10:14:07
24	Those are the ones I can remember off the	10:14:12
25	top of my head.	10:14:14

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1	Q.	Can you explain a little bit what you mean	10:14:14
2		by sales representation matters?	10:14:18
3	A.	Asking about that? What was it about, is	10:14:20
4		that what you're asking?	10:14:24
5	Q.	Yes.	10:14:26
6	A.	It had to do -- in terms of a sales -- a	10:14:27
7		sales rep that believed he was somehow harmed by the	10:14:31
8		company by us making a change in sales	10:14:35
9		representation for a particular territory.	10:14:40
10	Q.	I see. And how about the trademark	10:14:42
11		litigation? What was that about?	10:14:48
12	A.	It was an infringement of the marks that	10:14:50
13		we use on our products, and I was deposed to provide	10:14:53
14		documentation -- to verify documentation we had	10:15:02
15		provided regarding the infringement of our	10:15:07
16		trademark.	10:15:10
17	Q.	Thank you for that, Mr. Pulichino.	10:15:10
18		And for purposes of this case, you	10:15:21
19		understand that you're here in response to a	10:15:25
20		subpoena by Samsonite International, correct?	10:15:27
21	A.	Yes.	10:15:30
22	MR. CHUNG:	I'm going to bring up a	10:15:33
23		document that I will mark Exhibit 1 to this	10:15:36
24		deposition. I will also drop it in the chat so that	10:15:39
25		you can have access to it if you'd like.	10:15:47

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1	(Pulichino Exhibit 1, Samsonite	10:15:47
2	International's Subpoena to Group III, marked for	10:15:47
3	identification.)	10:15:47
4	THE WITNESS: It looks fine.	10:15:58
5	Q. Can you see my screen?	10:16:00
6	A. I'm sorry?	10:16:01
7	Q. Can you see my screen?	10:16:03
8	A. Yeah, I can see the document.	10:16:04
9	Q. Okay.	10:16:07
10	A. And I can see you.	10:16:08
11	Q. And, Mr. Pulichino, have you seen this	10:16:10
12	document before?	10:16:13
13	A. Yes.	10:16:14
14	Q. This is Samsonite International's subpoena	10:16:16
15	to Group III, correct?	10:16:19
16	A. Correct.	10:16:21
17	Q. And when did you see this document?	10:16:22
18	A. I can't recall the exact date I saw this	10:16:25
19	document.	10:16:28
20	Q. But you did review it, correct?	10:16:29
21	A. Yes.	10:16:31
22	Q. And did you review Exhibit 1, the requests	10:16:32
23	for production and topics which are on PDF Page 14	10:16:39
24	of Exhibit 1?	10:16:44
25	A. Yes.	10:16:46

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1	Q.	And the topic that you're here to testify	10:16:47
2		about, the topics for deposition is, "The structure	10:16:52
3		and operation of any prior art product identified in	10:16:54
4		response to Samsonite International's requests for	10:16:58
5		production," correct?	10:17:01
6	A.	Yes.	10:17:03
7	Q.	And Group III did produce some documents	10:17:04
8		about certain products in response to this subpoena,	10:17:06
9		correct?	10:17:09
10	A.	Yes.	10:17:10
11	Q.	And are you prepared to testify today	10:17:11
12		regarding the products that Group III has produced?	10:17:14
13	A.	Yes.	10:17:17
14	Q.	And just to confirm, going forward, is it	10:17:17
15		okay with you if I call Group III International just	10:17:24
16		Group III?	10:17:28
17	A.	Yes.	10:17:29
18	Q.	Okay. And, Mr. Pulichino, what did you do	10:17:31
19		to prepare for your deposition today?	10:17:37
20	A.	I reviewed some of the documents that we	10:17:39
21		had provided counsel with regard to this matter.	10:17:43
22	Q.	And did you meet with your attorneys?	10:17:48
23	A.	I'm sorry?	10:17:51
24	Q.	I'm sorry, you said you reviewed documents	10:17:52
25		with counsel. So you met with your attorneys,	10:17:56

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1	correct?	10:17:59
2	A. I reviewed documents that were in	10:17:59
3	preparation for this deposition that we had provided	10:18:01
4	counsel, yeah.	10:18:05
5	Q. And which attorneys did you meet with?	10:18:06
6	A. I guess Alex Brown and Scott Smiley.	10:18:09
7	Q. And those are the attorneys who are	10:18:14
8	sitting in that room with you today, correct?	10:18:16
9	A. Correct, yes.	10:18:18
10	Q. Did you meet or speak with anyone else to	10:18:19
11	prepare for this deposition?	10:18:23
12	A. No.	10:18:25
13	Q. So other than meeting with your attorneys	10:18:27
14	and reviewing documents, did you do anything else to	10:18:34
15	prepare for this -- today's deposition?	10:18:37
16	A. No, just reviewed the documents to make	10:18:38
17	sure I understood each one of them and -- in	10:18:43
18	preparation for today.	10:18:48
19	Q. Okay. And, Mr. Pulichino, what is your	10:18:49
20	position at Group III?	10:18:55
21	A. I'm currently the executive chairman.	10:18:57
22	Q. And how long have you held that position?	10:19:00
23	A. That position, probably for the last four	10:19:03
24	years, but prior to that I was the chief executive	10:19:09
25	officer.	10:19:14

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1	Q.	And how long were you CEO?	10:19:15
2	A.	From 1994 until about four years ago.	10:19:21
3	Q.	Okay. So four years ago is about 2019.	10:19:26
4		So about 1994 to 2019 you were the CEO; is that	10:19:32
5		correct?	10:19:36
6	A.	Yes.	10:19:36
7	Q.	And what were your job duties, at a high	10:19:37
8		level, at Group III as CEO?	10:19:45
9	A.	I had overall responsibility and oversight	10:19:48
10		for the financial aspects of the company, the	10:19:53
11		marketing and sales, product design and development,	10:19:57
12		overseas sourcing, and key customer relationships.	10:20:00
13	Q.	Anything else?	10:20:12
14	A.	I hope not. No, I think that's -- that	10:20:13
15		pretty much -- you know, comprehensive overlook of	10:20:20
16		the family-run business, so really all those things	10:20:26
17		I just mentioned.	10:20:29
18	Q.	Okay. You said it was a family-run	10:20:30
19		business. So did you start the company in 1994?	10:20:35
20	A.	No. My wife started it in 1984.	10:20:39
21	Q.	And in your job as CEO, could you explain	10:20:49
22		a little bit what your job duties were relating to,	10:20:51
23		I believe you mentioned product design and	10:20:55
24		development, specifically?	10:20:58
25	A.	As a company, we would work with some	10:21:02

1 marketing input from both our consumer intercepts, 10:21:05
2 contact with our key customers, for the ideas of 10:21:14
3 what kinds of products we felt would best serve the 10:21:21
4 marketplace. And from that, we would create a 10:21:25
5 marketing brief; that would go to our design 10:21:27
6 development department, upon which they would 10:21:31
7 develop products that would meet those needs. 10:21:34

8 And from there, we would gain approval 10:21:37
9 from our licensor, because most of these products 10:21:41
10 were under our license brand. From there, we would 10:21:44
11 manufacture initial prototypes. Once that was done, 10:21:49
12 we would then begin presentation to customers and 10:21:54
13 order the product in advance of receiving the 10:21:58
14 customer orders. And then once the orders came in, 10:22:03
15 we would ship the products to the customer. And 10:22:07
16 ultimately, the end consumer would be buying the 10:22:09
17 product. 10:22:11

18 So I was actively involved in that aspect 10:22:11
19 of it because it really -- from our perspective 10:22:13
20 really, drives the business, having a good product 10:22:17
21 that meets the needs of both your customer, meaning 10:22:19
22 the retail accounts, as well as the end consumer. 10:22:23

23 Q. Just to unpack that a little bit, you 10:22:33
24 mentioned that Group III "would get input from 10:22:36
25 consumers and contact key customers." Who were 10:22:38

1 Group III's key customers? 10:22:42

2 A. Our key customers, Target Corporation, 10:22:44

3 Walmart, Sam's Club, TJ Maxx, Marshall's. Those -- 10:22:49

4 and Amazon, obviously. So those would be the 10:22:57

5 biggest ones, I'd say. 10:23:00

6 Q. So generally, online or brick and mortar 10:23:02

7 retailers are what you are referring to when you say 10:23:05

8 "key customers;" is that correct? 10:23:08

9 A. Yeah. Either on a direct eCommerce basis, 10:23:10

10 or some -- where you have both the retail setting as 10:23:14

11 well as the eCommerce for that particular customer. 10:23:16

12 As well as our own website, also. We have a -- 10:23:20

13 (Reporter clarification.) 10:23:20

14 A. Our own website, which is SwissGear.com, 10:23:27

15 which is another, we would consider major customer, 10:23:28

16 even though we drive it ourselves. 10:23:33

17 Q. And you mentioned that you would create a 10:23:38

18 marketing brief, go to the design and development 10:23:45

19 department, and then manufacture initial prototypes, 10:23:48

20 correct? 10:23:50

21 A. Yes. 10:23:51

22 Q. And then you said there was a presentation 10:23:53

23 to customers. Can you explain a little bit what 10:23:55

24 that presentation would entail? 10:23:57

25 A. What it would entail would be our -- 10:23:59

1 either our -- depending on the customer, our 10:24:03
2 in-house sales manager, the VP, along with potential 10:24:05
3 reps for the particular market that it's serving 10:24:10
4 geographically, we would go to the customer, the 10:24:12
5 buyers for the category, present the product to 10:24:15
6 them, outlining the feature benefits of the product, 10:24:18
7 price points, delivery times, placement in their 10:24:22
8 current assortment to give them -- you know, 10:24:29
9 whoever -- each understanding of why the product 10:24:31
10 belonged in their assortment with the new designs 10:24:33
11 and feature benefits that we were offering. 10:24:37
12 Q. And when you say, "the sales managers 10:24:44
13 would present to the customers," are you referring 10:24:49
14 to the retailers that we were discussing earlier? 10:24:51
15 A. Correct, yes. 10:24:55
16 Q. And I think you said you would then order 10:24:58
17 the product; is that correct? 10:25:04
18 A. Yes. 10:25:06
19 Q. So did Group III not manufacture its own 10:25:07
20 products? 10:25:13
21 A. No. Our product is all sourced from 10:25:14
22 third-party manufacturers offshore. 10:25:17
23 Q. And do you recall who Group III's 10:25:22
24 third-party manufacturers were? 10:25:30
25 A. Well, there's many, okay? At any given 10:25:33

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1	time we're probably dealing with, I'd say, 20	10:25:37
2	different offshore manufacturers, in China, some in	10:25:40
3	Thailand, Cambodia. So it's a very fairly, I would	10:25:45
4	say large group of factories that we do business	10:25:50
5	with.	10:25:55
6	Q. Any specific factories you're able to	10:25:56
7	remember sitting here today?	10:25:58
8	A. Fong's is one. I may not have the exact	10:26:01
9	Chinese names, so correct me if I'm wrong here. But	10:26:05
10	Fong's, SNH. Those are two that I can -- off the	10:26:12
11	top of my head could relate to you.	10:26:14
12	Q. Okay. And let me just check exactly what	10:26:16
13	you said here. I think you said you would order the	10:26:25
14	product in advance of receiving the customer orders.	10:26:39
15	So is it the case that Group III kept an inventory	10:26:41
16	of these products that the customers would then	10:26:44
17	order from Group III?	10:26:46
18	A. In some cases, yes.	10:26:49
19	Q. And in 2019, you mentioned that you became	10:26:51
20	the executive chairman. How did your role change	10:27:13
21	when you became an executive chairman, if at all?	10:27:15
22	A. More of an oversight, advisory role for	10:27:18
23	the family that owns the business. Our son is the	10:27:26
24	chief executive officer, and so we -- we have	10:27:31
25	spontaneous board meetings from time to time, as	10:27:37

1 well as planned ones, and providing advice of 10:27:44
2 counsel. 10:27:46
3 (Reporter clarification.) 10:27:46
4 A. As well as planned board meetings to 10:27:47
5 provide oversight, advice, and counsel. 10:27:49
6 Q. So you were -- from your description of 10:27:54
7 your duties as CEO, it sounds like you were pretty 10:28:11
8 actively involved in terms of getting feedback from 10:28:14
9 the market in designing products from 1994 to 2019, 10:28:17
10 correct? 10:28:23
11 A. Yes. 10:28:23
12 MR. KEYHANI: Objection. Objection. 10:28:26
13 Form. 10:28:27
14 Q. Was that a yes? 10:28:30
15 MR. KEYHANI: I objected to the form of 10:28:39
16 the question. It's a leading question. 10:28:41
17 (Reporter clarification.) 10:29:04
18 MR. CHUNG: I think we got it on the 10:29:04
19 record. 10:29:06
20 Q. And what kind of product is Group III in 10:29:14
21 the market for? 10:29:17
22 A. We like to describe it as travel gear, 10:29:19
23 which includes luggage, backpacks, travel 10:29:22
24 accessories. We also do belts, wallets, small 10:29:26
25 travel bags. 10:29:30

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1	Q. And was your role as CEO limited to any	10:29:32
2	particular aspect of the products you just	10:29:36
3	mentioned, luggage, backpacks, travel accessories,	10:29:40
4	belts, wallets, or kind of a holistic everything?	10:29:43
5	A. I had oversight on all those categories.	10:29:46
6	Q. Mr. Pulichino, you understand that your	10:29:52
7	testimony here today is -- it relates to a case	10:30:10
8	between a company called Swissdigital and a company	10:30:14
9	called Samsonite International, correct?	10:30:17
10	A. Yes.	10:30:20
11	Q. And do you have any understanding of what	10:30:21
12	that case is about?	10:30:26
13	A. It involves litigation of a particular	10:30:29
14	feature on a backpack.	10:30:34
15	Q. Do you under -- do you know what that	10:30:37
16	feature is?	10:30:41
17	A. Yeah, it's a USB connector, if you will,	10:30:42
18	that mounts on the outside of the bag and connected	10:30:49
19	to a battery on the inside of the bag.	10:30:54
20	Q. And, Mr. Pulichino, does Group III sell	10:30:56
21	bags that have that kind of USB connector	10:30:59
22	functionality that you just described?	10:31:02
23	A. Yes.	10:31:04
24	Q. And do some of those products that	10:31:06
25	Group III sells with USB connector functionality	10:31:11

1 have a covering around the USB on the outside of the 10:31:15
2 bag? 10:31:21
3 A. What do you mean by "covering"? 10:31:23
4 MR. KEYHANI: Counsel, I'm going to -- 10:31:27
5 this is Darius Keyhani, for the record. I'll put my 10:31:28
6 video on. 10:31:34
7 I'm going to object. The scope for this 10:31:34
8 deposition, counsel, is limited to prior art. What 10:31:36
9 Mr. Pulichino's products encompass is not relevant 10:31:41
10 to prior art right now, because that's -- prior art 10:31:44
11 goes -- you know, predates the patents. 10:31:49
12 So please keep your deposition within the 10:31:52
13 scope of what the Court permitted you to -- to 10:31:54
14 secure testimony on. Thank you. 10:31:58
15 MR. CHUNG: Thank you, Mr. Keyhani. 10:32:00
16 Q. Let me rephrase my question. 10:32:03
17 Mr. Pulichino, did Group III, prior to 10:32:05
18 2019, sell bags that have the USB connector 10:32:08
19 functionality that you were just talking about? 10:32:13
20 A. Yes. 10:32:14
21 Q. And how are those USB connectors -- how 10:32:15
22 were those USB connectors in the products that Group 10:32:24
23 III sold prior to 2019 configured? 10:32:28
24 A. We would mount the exterior female side, 10:32:31
25 okay, of the -- of the USB connector by cutting a 10:32:36

1 hole through the -- where -- it was going to be 10:32:42
2 applied either on the surface wrap or the bag 10:32:45
3 itself. And we would mount it from the inside and 10:32:50
4 then sew the flange to the outside fabric -- you 10:32:55
5 now, to the exterior of the outside fabric, sew 10:33:00
6 that, and then the lining on the inside would be 10:33:03
7 sewn to cover up the attachment, all right. That's 10:33:06
8 the way it was applied. 10:33:09

9 Q. Okay. You mentioned a flange. Can you 10:33:11
10 explain a little bit what you mean by flange? 10:33:19

11 A. Well, in other words, it was a -- I'll use 10:33:21
12 my hand. There's a flange which the actual female 10:33:24
13 connector is on, so when you're coming from the 10:33:28
14 inside, you push it through an open hole. So the 10:33:31
15 flange stays below the fabric, and the mounting 10:33:35
16 piece, the female piece, is above the fabric on the 10:33:38
17 outside. 10:33:41

18 And then you would sew the fabric to the 10:33:41
19 flange that's on the inside, and then on the inside 10:33:45
20 you put a piece of lining fabric and that would be 10:33:48
21 sewn as part of a whole inside of the bag. That's 10:33:51
22 the way it would work. 10:33:56

23 Q. I see. So the female end of the USB that 10:33:57
24 was on the outside of the bag would have a piece of 10:34:05
25 fabric that covers it that was sewn into the bag, 10:34:07

1 correct? 10:34:11

2 A. Not cover the -- no, the USB would be 10:34:11

3 proud of the outside fabric. There would be fabric 10:34:17

4 around it, okay, and then that would be sewn to the 10:34:20

5 flange that's inside. Okay. 10:34:22

6 So -- and I don't know if I can describe 10:34:24

7 it here. Maybe I'll use this as an example. This 10:34:26

8 is the USB, this is the flange, so this is on the 10:34:28

9 inside, USB sticks above the outside, and then it's 10:34:32

10 sewn around. 10:34:37

11 So I don't know if that helps. If I had a 10:34:38

12 device, I could show you, but... 10:34:47

13 Q. It might help to look at some documents, 10:34:57

14 which we'll look at in a little bit. 10:35:03

15 But before that, what motivated Group III 10:35:06

16 to start incorporating the USB connector features 10:35:10

17 into its products prior to 2019? 10:35:13

18 A. Well, we saw the use of USB -- 10:35:16

19 MR. KEYHANI: I'm sorry. I'm sorry. I've 10:35:22

20 got to pose an objection on the record again. The 10:35:24

21 motivations behind why Group III decided to do 10:35:27

22 something is not discussion of the prior art. Keep 10:35:34

23 the scope of the prior art. That's the scope that 10:35:38

24 the judge ordered. 10:35:44

25 So the motivations as to why they added 10:35:45

1 something, or what they did, please -- please keep 10:35:47
2 the scope limited to prior art, please, counsel. 10:35:50
3 MR. CHUNG: Counsel, I disagree with that. 10:35:54
4 The USB feature is kind of the novel -- the claimed 10:35:56
5 novel feature of the asserted patents, and 10:36:03
6 motivations for why a person of skill in the art 10:36:06
7 might have included it in a combination, for 10:36:08
8 example, is relevant to the prior art analysis. 10:36:11
9 MR. KEYHANI: Mr. Pulichino is not being 10:36:13
10 presented as an expert here, or as -- was not 10:36:16
11 established as one of skill in the art. He's 10:36:18
12 certainly not an expert here, or being presented as 10:36:20
13 an expert. He's a lay witness. 10:36:23
14 So I posed my objection on the record and 10:36:25
15 we'll deal with it. I'm not going to argue with 10:36:27
16 you. I think you're treading very close to -- 10:36:30
17 either outside the line or very close to it. So I'm 10:36:32
18 objecting to it. Okay. 10:36:35
19 MR. CHUNG: Noted. 10:36:37
20 Q. And, Mr. Pulichino, you can answer the 10:36:38
21 question. 10:36:39
22 A. Can you repeat the question now? 10:36:40
23 Q. Sure. What motivated Group III to start 10:36:42
24 incorporating the USB connector features into its 10:36:45
25 products prior to 2019? 10:36:50

1 A. Okay. So around 2016, we began to see the
2 need for the consumer, when they travel and wanting
3 to have the ability to charge their phones in remote
4 places, that it would be convenient to have a
5 battery pack inside the bag, okay, that would then
6 be -- went through a wire connected to a female side
7 of a USB charger, so that the consumer could have
8 access to instant charging, if you will, while
9 they're traveling.

10:36:53
10:36:58
10:37:03
10:37:08
10:37:11
10:37:15
10:37:18
10:37:23
10:37:27

10 And it was something that we felt would be
11 appropriate to be put into our products, and we
12 designed products around that.

10:37:28
10:37:30
10:37:33

13 Q. Thank you, Mr. Pulichino.

10:37:35

14 And do you recall what the first Group III
15 bag that had the USB connector feature was?

10:37:40
10:37:43

16 A. Yeah, I believe from the design sheet, it
17 was style 5358, I think was the first one that we
18 put it on.

10:37:46
10:37:50
10:37:54

19 Q. And when was that 5358 created?

10:37:55

20 A. We designed it in 2016. I can't remember
21 the exact date, but it was in the spring, I think,
22 of 2016.

10:37:59
10:38:02
10:38:05

23 Q. And in 2016, when the 5358 was designed,
24 do you recall if there were any other companies that
25 made products that had USB connector features?

10:38:06
10:38:13
10:38:15

1 A. Well, what we do know is that the initial 10:38:18
2 female connector that we used was common in the 10:38:22
3 marketplace, being used by a variety of different 10:38:26
4 people, and it was something that we kind of bought 10:38:29
5 in the market, okay, and used it to -- as -- to 10:38:33
6 solve this application, the functionality for the 10:38:38
7 bag. 10:38:41

8 Q. Do you recall any specific companies or 10:38:44
9 products that used that female connector? 10:38:46

10 A. I can't recall back in 2016. But we knew 10:38:50
11 at that point in time others were using the same 10:38:53
12 device pretty much from the factories that we were 10:38:55
13 doing business with, because that's how we found it. 10:38:58
14 They were providing it to other customers as well, 10:39:01
15 and we took the off-the-shelf female adapter and put 10:39:04
16 it on our bag. So it was commonly used by a variety 10:39:10
17 of different companies. 10:39:14

18 Q. Do you recall if the off-the-shelf female 10:39:17
19 adapters that you used in 2016 were also available 10:39:20
20 earlier than 2016? 10:39:24

21 A. I would suspect they were. I mean, we 10:39:26
22 know we weren't the first, okay, and when we 10:39:29
23 searched the component availability in China, this 10:39:34
24 was readily available to anyone. So I have to 10:39:39
25 assume, before we put it on a bag, others were using 10:39:41

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1	it in an earlier time frame.	10:39:44
2	Q. Do you know for a fact whether they were	10:39:47
3	available in 2014?	10:39:51
4	A. I can't say for a fact, no.	10:39:53
5	MR. CHUNG: Okay. I'd like to drop into	10:40:16
6	the chat a document that I'm going to mark as	10:40:17
7	Exhibit 2. It's a document with Bates number --	10:40:21
8	excuse me. One second. GroupIII-00000, five zeros,	10:40:28
9	1.	10:40:39
10	(Pulichino Exhibit 2, Specification Sheet,	10:40:39
11	marked for identification.)	10:40:42
12	MR. BROWN: And Joon, this is Alex Brown	10:40:42
13	speaking. Just so you know, Mr. Pulichino, for ease	10:40:44
14	of reference, has a copy of all the documents Bates	10:40:48
15	stamped. They're just copies of everything you're	10:40:52
16	putting on the screen in front of him, so if he	10:40:54
17	looks down, that's what he's looking at. There are	10:40:57
18	no --	10:40:58
19	MR. CHUNG: Okay. Great.	10:40:58
20	MR. BROWN: It's just a copy of the	10:40:59
21	documents. So I appreciate you reading off or	10:41:00
22	showing the Bates number when you put up the	10:41:03
23	documents.	10:41:05
24	MR. CHUNG: Thank you, counsel.	10:41:07
25	Q. And, Mr. Pulichino, can you see my screen?	10:41:11

1 specification sheet for the SA-5358. Is that 10:42:31
2 different from the 5358 products you were just 10:42:35
3 talking about earlier? 10:42:38
4 A. No, this is the same one I was speaking 10:42:40
5 of. 10:42:43
6 Q. So this is the design specification sheet 10:42:43
7 for the first product Group III created that had a 10:42:46
8 USB connector feature, correct? 10:42:50
9 A. Yes. 10:42:52
10 Q. Now, at the top left, it has a project 10:42:52
11 number. 10:43:00
12 Do you see that? 10:43:00
13 A. Yes. 10:43:01
14 Q. And that project number is SA-5358.C, 10:43:02
15 correct? 10:43:08
16 A. Yes. 10:43:09
17 Q. Does the "C" mean anything? 10:43:10
18 A. Does the "C" mean anything? 10:43:14
19 Q. Yes. 10:43:16
20 A. Is that what you said? 10:43:18
21 Yeah, every time there -- a revision is 10:43:20
22 made on a particular design would get the alpha 10:43:22
23 indicator; this "C" being the third revision for 10:43:26
24 this particular bag. And generally, it depicts 10:43:30
25 something that's changed the bag from the prior 10:43:33

1 revision. It could be a feature benefit, it could
2 be color, it could be any number of things, okay,
3 that would update the design sheet and reflect those
4 changes.

5 Q. I see. Do you know if there are later
6 revisions of this document?

7 A. I believe, yeah. I think there is a D, if
8 I'm not mistaken, and maybe an E. I'm not -- you
9 know, it could be.

10 (Reporter clarification.)

11 A. It could be a C; after the C would be a D
12 or an E.

13 Q. And, Mr. Pulichino, do you know if the
14 features shown in this Exhibit 2, the Revision C,
15 accurately reflects the structure of the bag that
16 was eventually sold to the public?

17 A. Yes.

18 Q. And does it accurately reflect the
19 structure that was sold to the public?

20 A. I'm sorry?

21 Q. Does this document accurately reflect the
22 structure of the bags that were sold to the public?

23 A. Yes.

24 Q. And turning to the page of Exhibit 2 with
25 the Bates number that ends in 006, can you please

1 explain what the images on this page of Exhibit 2 10:45:01
2 are showing? 10:45:05
3 A. On this page here? 10:45:06
4 Q. Yes. And I can zoom in if you need me to. 10:45:09
5 A. No, I can see it. Okay. 10:45:13
6 So on this one, it shows the particular 10:45:16
7 features related to where a battery would be stored 10:45:20
8 and connected to an external USB female on the other 10:45:25
9 side. And it also talked about ScanSmart, which was 10:45:30
10 another feature of the bag, and talks about webbing, 10:45:33
11 a tab with Velcro, and obviously dimensional 10:45:42
12 requirements of the bag as well. 10:45:48
13 Q. And is this dark rectangular portion near 10:45:53
14 the right of the page what would hold the battery? 10:45:56
15 A. Correct. 10:46:02
16 Q. And did the 5358 bag come with a battery? 10:46:03
17 A. No. 10:46:08
18 Q. And there's also a cable depicted above 10:46:09
19 that dark rectangular compartment. 10:46:15
20 Do you see that? 10:46:17
21 A. Yes. 10:46:18
22 Q. Is that the USB cable you were talking 10:46:19
23 about earlier? 10:46:22
24 A. Yes. 10:46:23
25 Q. Is that a specially manufactured USB 10:46:24

1 cable, or is that just a standard USB cable? 10:46:29

2 A. I think it's a standard. I mean, it may 10:46:33

3 be special from the standpoint of the length of it, 10:46:39

4 possibly, okay, but in terms of the -- of this 10:46:45

5 particular bag, the connector on either side, the 10:46:47

6 male and the female, was standard. What I spoke to 10:46:50

7 earlier, in terms of off-the-shelf availability at 10:46:57

8 this point in time, what -- is what we used. 10:47:01

9 Q. Understood. Thank you. 10:47:04

10 And then, is the image accurate with 10:47:07

11 respect to -- it looks like it's depicting the male 10:47:12

12 end of the USB cable being inside the bag; is that 10:47:15

13 correct? 10:47:18

14 A. Yes. 10:47:18

15 Q. So would the male end of the USB be one 10:47:19

16 that connects to the battery? 10:47:24

17 A. Yes. 10:47:25

18 Q. And where would the female end go? 10:47:26

19 A. The female would be on the exterior of the 10:47:31

20 bag. I believe that's shown on another page of the 10:47:34

21 document. But it would be on the exterior. 10:47:40

22 Q. Let me turn to the page two pages down. 10:47:44

23 It's Bates number ending in 008. 10:47:50

24 Can you see that page? 10:47:53

25 A. Yes. 10:47:55

1 Q. Can you please explain what the images on 10:47:56
2 this page are showing? 10:48:02
3 A. Okay. This gets more detailed in terms of 10:48:03
4 the two shoulder straps in the back of the bag. And 10:48:05
5 it talks about, obviously, all of the dimensions, 10:48:09
6 and it highlights the power outlet, which was the 10:48:11
7 female side of the USB connector that was sewn into 10:48:14
8 the bag. 10:48:20
9 Q. So in this image -- you mentioned that 10:48:27
10 there was a hole in the bag that the female end 10:48:33
11 would come out of, correct? 10:48:35
12 A. Correct. 10:48:37
13 Q. So in this image, would that hole be right 10:48:38
14 under where the power outlet is depicted? 10:48:43
15 A. Yes. Well, it would be -- obviously, as I 10:48:46
16 explained earlier, the flange that holds this would 10:48:51
17 be a little wider than the actual outlet. So there 10:48:53
18 would be a -- square stitching just to the four 10:48:58
19 sides of the -- of the outlet -- of the -- excuse 10:49:05
20 me, of the power outlet, yeah. 10:49:08
21 Q. And is the flange depicted in this image? 10:49:10
22 A. Say that again? 10:49:18
23 Q. Is the flange that you were just talking 10:49:19
24 about shown in this image? 10:49:21
25 A. No, it's not. 10:49:23

1 Q. Would the cable between the male end and 10:49:24
2 the female end, would that run outside the bag or 10:49:40
3 would that be internal? 10:49:43
4 A. Well, it's -- it's both. It starts 10:49:46
5 internally, then it eventually comes to the outside 10:49:51
6 to hook to the female side of the USB connector. 10:50:00
7 Q. And would the portion that's inside run 10:50:05
8 kind of through the shoulder strap leading up to the 10:50:08
9 power outlet? 10:50:12
10 A. I believe so. I'd have to look at the 10:50:12
11 detail of the spec to know exactly where it was 10:50:18
12 exiting the bag to hook up on the outside. It was 10:50:22
13 either in the strap or the side of the bag. 10:50:25
14 Q. And when you say you'd have to look at the 10:50:32
15 spec, is that referring to this design specification 10:50:34
16 document? 10:50:38
17 A. Repeat that? 10:50:38
18 Q. When you say you would have to look at the 10:50:39
19 spec, are you referring to the design specification 10:50:42
20 documents or a different document? 10:50:45
21 A. It would either be this document or to 10:50:51
22 physically look at the bag. I can't say with 10:50:55
23 certainty. I'd have to look at every sheet of the 10:50:57
24 design spec to see if it's indicated there. And if 10:51:00
25 not, I'd have to -- I'd have to reference the actual 10:51:02

1 bag itself. 10:51:05

2 Q. And you mentioned that the female end of 10:51:22

3 the USB would come -- would be external to the bag 10:51:24

4 at the power outlet, correct? 10:51:28

5 A. Yes. 10:51:29

6 Q. So a customer would be able to use the 10:51:30

7 power outlet to plug in a USB cable and charge a 10:51:39

8 device; is that correct? 10:51:43

9 A. Yes. 10:51:43

10 Q. And going forward, if I refer to the 10:51:44

11 portion of the female end that actually plugs 10:51:51

12 into -- I'm sorry, go ahead. 10:51:54

13 A. Yeah, I'm sorry, I need to go back and 10:51:55

14 retract what I just said before. I wasn't thinking 10:51:57

15 correctly. I mean, obviously the wire has to come 10:52:00

16 through the strap, okay, to hook up with this, okay. 10:52:03

17 So it's connected to the battery in the inside. 10:52:06

18 I was thinking that you were just talking 10:52:09

19 about plugging your phone into this. The wire for 10:52:11

20 this obviously runs through the strap going to the 10:52:14

21 inside of the bag. So that was a mistake on my part 10:52:17

22 earlier. 10:52:19

23 Q. I see. So just to make it clear on the 10:52:21

24 record, at least a portion of the USB cable would 10:52:24

25 run internal to the shoulder strap before it comes 10:52:29

1 out of this outlet, correct? 10:52:31

2 A. Correct. 10:52:32

3 MR. KEYHANI: Objection. Form. 10:52:39

4 Q. Going back to the female end of the USB 10:52:48

5 cable, if I refer to the end that a user would 10:52:51

6 actually plug in to as the operative end of the 10:52:54

7 female end of the USB cable, going forward, would 10:52:57

8 that be okay with you? 10:53:00

9 A. Yes. 10:53:01

10 Q. In the 5358 bag, was the operative end of 10:53:03

11 the female end of the USB cable exposed or covered? 10:53:08

12 MR. KEYHANI: Objection. Mr. Keyhani. 10:53:15

13 Objection. 10:53:17

14 A. Well, the outlet itself is exposed when 10:53:19

15 it's mounted from the inside with a flange that you 10:53:24

16 can't see here. So it's -- I don't know how best to 10:53:27

17 describe it. Like I said before, it's on top of a 10:53:34

18 flange, we mount it through the strap. Just the 10:53:36

19 connectors piece of this design comes forward. We 10:53:40

20 sew the outside, and then we obviously sew the 10:53:46

21 backside. 10:53:49

22 So you don't see the flange. The only 10:53:50

23 thing that's coming through the surface is the power 10:53:54

24 outlet. 10:53:56

25 Q. And was it possible to put a cover on that 10:53:57

1 operative end of the female end of the USB cable; 10:54:02
2 for example, a dust cap? 10:54:06
3 MR. KEYHANI: Objection. Form. 10:54:08
4 A. Would it be possible? Yeah, I guess it 10:54:11
5 would be possible. We didn't put a cover on it, but 10:54:13
6 it would be possible. 10:54:17
7 Q. And then once fully assembled with the 10:54:19
8 flange and the sewing around it, would the female 10:54:24
9 end of the USB cable be free to move around, or 10:54:27
10 would it be kept in place? 10:54:30
11 A. No, it would be fixed in place. 10:54:31
12 Q. And how was it fixed in place? 10:54:34
13 A. Because it was -- it's part of the flange 10:54:36
14 itself, and the flange would be sewn from the 10:54:39
15 outside to the -- to the -- through the fabric, 10:54:43
16 through the flange. So it would be permanently in 10:54:47
17 place by sewing it, the whole unit, on the outside, 10:54:50
18 the fabric to the flange. 10:54:55
19 Q. And I'm going to zoom in a little bit 10:54:56
20 because it's a little bit hard to see, but it looks 10:55:05
21 like the top part of this power outlet area is 10:55:10
22 narrower than the bottom part, correct? 10:55:16
23 A. Yes. 10:55:18
24 Q. Would the operative end that the customer 10:55:22
25 plugs USB cables into be the bottom or the top in 10:55:26

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1	this image?	10:55:29
2	A. No, it would be the bottom.	10:55:30
3	Q. And that means that the end with the cord	10:55:34
4	would be closer to the narrower part, correct?	10:55:40
5	MR. KEYHANI: Objection.	10:55:45
6	A. Yes.	10:55:46
7	Q. And that cord, as you said earlier, would	10:55:49
8	go internally in the bag through to where the	10:55:52
9	battery is; is that correct?	10:55:54
10	A. Correct.	10:55:56
11	MR. CHUNG: I'd like to introduce as	10:56:10
12	Exhibit 3 a document with Bates number	10:56:12
13	GroupIII-000018.	10:56:25
14	(Pulichino Exhibit 3, Approval Form,	10:56:25
15	marked for identification.)	10:56:33
16	Q. Let me know when you can see it,	10:56:33
17	Mr. Pulichino.	10:56:35
18	A. I see it.	10:56:36
19	Q. And do you recognize this document?	10:56:43
20	A. Yes.	10:56:46
21	Q. And what is this document?	10:56:47
22	A. This is a typical approval form that we	10:56:50
23	are required to submit to our licensor in	10:56:55
24	Switzerland for their approval of any product. And	10:57:00
25	as noted in the document, it has a -- some specifics	10:57:06

1 on feature benefits for the product, and basically
2 that's it.

3 So photography listing the feature
4 benefits I think are subsequent pages that show
5 photos of those benefits, and, as you can see, an
6 approval by our licensor for the design, which took
7 place on April 22, 2016. I think that's the date.

8 Q. And taking a step back, actually, you
9 mentioned a licensor earlier as well. Who is Group
10 III's licensor?

11 A. It's a subsidiary of Victorinox in
12 Switzerland.

13 Q. And could you spell Victorinox?

14 A. Yeah, V-I-C-T-O-R-I-X -- N-I-X.
15 V-I-C-T-O-R-N-I-X [sic].

16 Q. And was Group III a licensee of Victorinox
17 back in 2016 when the 5358 bag was created?

18 A. Yes.

19 Q. And what is it exactly that Group III
20 would have licensed from Victorinox?

21 A. We would have licensed the intellectual
22 property associated with the brands, which include
23 the brand name Wenger and SwissGear, as well as what
24 we refer to as the crown jewel, which is the cross
25 that you see there in both the Wenger brand and the

1	SwissGear brand. It's a white cross against a red	10:59:00
2	background.	10:59:04
3	MR. KEYHANI: I'm going to object to the	10:59:05
4	scope of the questioning again. It's going outside	10:59:06
5	the scope of the permitted deposition testimony.	10:59:09
6	Q. So Group III's license from Victorinox	10:59:14
7	wouldn't relate to the actual design of the bag or	10:59:17
8	USB features; is that correct?	10:59:20
9	A. Well, they have to approve the design. So	10:59:22
10	they're, I guess you could say, a third party to the	10:59:26
11	design, because they're approving it.	10:59:29
12	Q. Did Group III license any patents or	10:59:33
13	technology relating to the USB power outlet	10:59:35
14	functionality specifically from Victorinox?	10:59:39
15	MR. KEYHANI: Objection.	10:59:44
16	A. No.	10:59:44
17	Q. And this document -- going back to	10:59:49
18	Exhibit 3, you said that this document was the	11:00:01
19	typical approval form, correct?	11:00:03
20	A. Yes.	11:00:04
21	Q. So is this a document that's created as a	11:00:06
22	part of Group III's ordinary course of business?	11:00:10
23	A. Yes. It has to be done for every product	11:00:12
24	that we intend to design and market.	11:00:14
25	Q. And in blue here, in one of the comments	11:00:16

1 boxes, could you please read out loud what it says 11:00:26
2 in blue here? 11:00:31

3 A. It says, "Prototype approved on pictures 11:00:32
4 on August 25, 2016. Okay." And then and signed 11:00:35
5 August 25th by the appropriate person at Wenger, I 11:00:40
6 think it was Philomena, I can't quite remember her 11:00:47
7 last name now. But she was the individual that 11:00:50
8 would review and approve the products. 11:00:53

9 And you can see it's approved as-is, so 11:00:55
10 all the feature benefits of the bag were approved as 11:00:58
11 designed. 11:01:02

12 Q. So when it says "prototype approved," does 11:01:03
13 that mean that Group III actually built a prototype 11:01:11
14 and that prototype was approved, or that Group III 11:01:15
15 had approval to go ahead and start manufacturing a 11:01:17
16 prototype? 11:01:20

17 A. It meant the design was approved for 11:01:21
18 manufacture and sale. 11:01:24

19 Q. So just to clarify a little bit, when you 11:01:30
20 say, "design was approved for manufacture and sale," 11:01:32
21 it would be sale to the public, not just -- well, 11:01:35
22 strike that. 11:01:35

23 When you say, "design was approved for 11:01:41
24 manufacture and sale," is that not limited to just a 11:01:43
25 prototype, but actual products sold to the public? 11:01:47

1 A. No, the actual product, it would be sold 11:01:49
2 either to our customer, the retailer, or in a 11:01:52
3 direct-to-consumer basis, to the end consumer. 11:01:56
4 Q. So by this date, August 25, 2016, the 11:02:01
5 design of the 5358 bag would have been the same as 11:02:04
6 what was actually sold to the public; is that 11:02:09
7 correct? 11:02:12
8 A. Yes. 11:02:12
9 Q. And looking at the last page of Exhibit 3, 11:02:13
10 it's Bates number ending in 0020. And I'm going to 11:02:25
11 zoom in a little bit here. 11:02:30
12 In the top left image, do you see the 11:02:36
13 shoulder straps? 11:02:39
14 A. Yes. 11:02:40
15 Q. Is what is attached to the left shoulder 11:02:41
16 strap in that image the USB connector we were just 11:02:47
17 talking about? 11:02:51
18 A. Yes. 11:02:51
19 Q. And is the flange present in this image? 11:02:52
20 A. Well, there's, I guess, two sides to the 11:03:05
21 flange, one on the inside and one on the outside, I 11:03:08
22 believe. And then it's sewn. 11:03:11
23 Q. So would what we can see in this image be 11:03:15
24 the outside of the flange? 11:03:18
25 A. Yes. 11:03:19

1 Q. So I just want to make sure I'm 11:03:20
2 understanding this correctly. So what we're seeing 11:03:38
3 here on the outside, this black piece of, it looks 11:03:41
4 like it may be rubber, is that sewed on to another 11:03:44
5 similar piece on the inside of the bag -- 11:03:51
6 A. Yeah, to give it -- it gives it stability, 11:03:54
7 rather than just having it on the fabric itself. 11:04:00
8 Q. Okay. And then is the thing that's on the 11:04:08
9 outside, that's surrounding the female end of the 11:04:12
10 USB cable, is that all one piece or is it a separate 11:04:15
11 piece that's sewn on to the larger piece? 11:04:19
12 A. No, it's a singular piece. 11:04:23
13 Q. And it's a singular piece where the female 11:04:27
14 end of the USB would go through the hole in the 11:04:41
15 shoulder strap and fit into that piece; is that 11:04:45
16 correct? 11:04:48
17 A. Yes. 11:04:48
18 Q. Did Group III ever have a design for this 11:04:49
19 USB flange that had ventilation openings in it? 11:05:08
20 A. That had a what in it? 11:05:13
21 Q. Ventilation openings. 11:05:15
22 A. I'm not sure -- I'm not sure I understand 11:05:17
23 the question. 11:05:20
24 MR. KEYHANI: Objection. Form. Keyhani. 11:05:22
25 MR. BROWN: You can ask him to clarify. 11:05:30

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1 A. Yeah, can you clarify? I'm not sure I 11:05:31
2 quite understand the question. 11:05:33
3 Q. Sure. So the flange has an opening for 11:05:35
4 the female end of the USB cable. Correct? 11:05:45
5 A. Correct. 11:05:47
6 Q. Did the -- was the flange ever designed 11:05:48
7 with other openings for any purpose? 11:05:53
8 A. No, not that I'm aware of. 11:05:56
9 Q. And what material was this flange made out 11:05:58
10 of? 11:06:04
11 A. It was a form of -- it was a form of 11:06:06
12 rubber, rubber or plastic. I can't recall 11:06:10
13 specifically. A molded plastic, probably. 11:06:13
14 MR. CHUNG: I'd like to introduce as 11:06:32
15 Exhibit 4, I believe, a document with Bates number 11:06:34
16 GroupIII-000017. 11:06:42
17 (Pulichino Exhibit 4, Purchase Order, 11:06:42
18 marked for identification.) 11:06:58
19 Q. Let me know when you can see my screen, 11:06:58
20 Mr. Pulichino. 11:07:00
21 A. Yes, I can -- I can see that. Do you want 11:07:01
22 me to -- 11:07:09
23 Q. Mr. Pulichino -- I'm sorry? 11:07:10
24 A. No, go ahead. 11:07:13
25 Q. Do you recognize this document, Exhibit 4? 11:07:14

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1	A. Yes.	11:07:17
2	Q. And what is it?	11:07:18
3	A. This is a typical purchase order that	11:07:20
4	Group III would issue to its manufacturer for the	11:07:25
5	production and shipment of particular items. This	11:07:28
6	one is dated, let's see, the date 7/27/2016. It's	11:07:31
7	made out to Xiangxing Fujian, which is one of our	11:07:39
8	suppliers I had mentioned earlier. It's for	11:07:46
9	500 pieces of Style 5358 ScanSmart black/red	11:07:49
10	backpack.	11:07:59
11	Q. Okay. And you mentioned this was a	11:08:02
12	typical purchase order that Group III would issue to	11:08:04
13	its manufacturer, correct?	11:08:08
14	A. Yes.	11:08:10
15	Q. So is this a document that's created as a	11:08:11
16	part of Group III's ordinary course of business?	11:08:16
17	A. Yes.	11:08:20
18	Q. And do all purchase orders created in the	11:08:21
19	ordinary course of business at Group III follow this	11:08:24
20	same format?	11:08:27
21	A. Yes.	11:08:27
22	Q. And you mentioned some other information	11:08:29
23	that you were seeing on this document. I just want	11:08:39
24	to confirm where you're seeing it. You said that	11:08:41
25	it's dated 7/27/2016, correct?	11:08:44

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1	A. Yes.	11:08:49
2	Q. And that's the date at this top right area	11:08:49
3	here?	11:08:53
4	A. Yes.	11:08:54
5	Q. What would these other dates reflect down	11:08:55
6	at the bottom left of this document?	11:09:02
7	A. That would be the estimated date of	11:09:04
8	arrival, which is October 30th, 2016.	11:09:06
9	Q. And what is the CRD date?	11:09:11
10	A. Cardinal -- let's see. I don't -- let's	11:09:19
11	see. I'm not an expert at this. Probably something	11:09:21
12	to do with cardinal. I don't know, cardinal receive	11:09:25
13	date.	11:09:28
14	Q. But the date at the top right, the	11:09:31
15	July 27, 2016, that you know for certain is the date	11:09:34
16	that the order would have been placed, correct?	11:09:38
17	A. Right. Correct.	11:09:40
18	Q. And what is shown in the "Ordered From"	11:09:43
19	field?	11:09:52
20	A. That's the name of the manufacturer.	11:09:54
21	Q. And what's shown in the "Ship To" field?	11:10:00
22	A. It's being shipped to Group III. The	11:10:04
23	customer identified is our own website,	11:10:09
24	SwissGear.com.	11:10:12
25	Q. So SwissGear.com is Group III's website;	11:10:14

1 is that correct? 11:10:20

2 A. Correct. 11:10:20

3 Q. And you mentioned that you knew that this 11:10:21

4 was for a quantity of 500 for the 5358 bag, correct? 11:10:35

5 A. Yes. 11:10:43

6 Q. Do you know that from looking at the "Item 11:10:44

7 Number Description/Comments" field? 11:10:48

8 A. Yes. 11:10:51

9 Q. And I see that the number there starts 11:10:52

10 with 5358, right? 11:10:56

11 A. Yes. 11:10:57

12 Q. Is that how you knew that this was an 11:10:58

13 order for the 5358 bag? 11:11:01

14 A. Yes. 11:11:04

15 Q. What do the extra numbers after the 5358 11:11:05

16 mean? 11:11:11

17 A. Yeah, they reflect size and color, or 11:11:12

18 codes we have for size and color. 11:11:15

19 Q. And do you know if there were any changes 11:11:17

20 to the -- the USB flange feature that we saw 11:11:32

21 earlier -- 11:11:37

22 A. Yes. 11:11:37

23 Q. -- in the bags that were sold on this 11:11:39

24 date? 11:11:42

25 A. Yes. 11:11:42

1 Q. Yes, there were changes? 11:11:43

2 A. To the -- on this specific order -- I know 11:11:48

3 we made changes to the USB design. I don't know if 11:11:51

4 it was this specific order that it was implemented, 11:11:57

5 but let me see the date. I'd have to look at the 11:12:00

6 design date for the new USB adapter that we designed 11:12:05

7 before I could say with certainty whether it was in 11:12:10

8 this particular bag or not. This bag definitely had 11:12:12

9 the USB, it's just a question of which one we were 11:12:15

10 using at that point in time. 11:12:17

11 Q. I see. What kind of changes were made to 11:12:19

12 the USB design? 11:12:21

13 A. We made one that we felt would be more 11:12:23

14 representative of us having our own design, with a 11:12:27

15 little more detail in the -- an easier insert, okay, 11:12:30

16 for the -- for the male entrance into the female 11:12:37

17 port. 11:12:41

18 Q. Would the new design still have had the 11:12:41

19 outside and inside flange? 11:12:53

20 A. It would just have -- I believe just have 11:12:55

21 the inside flange, I believe. 11:12:57

22 Q. So if it only had the inside flange, would 11:13:00

23 the female end of the USB cable be free to move 11:13:17

24 around on the outside of the bag? 11:13:21

25 A. No. Because it would be sewn through the 11:13:23

1 fabric, exterior fabric, on to the interior flange. 11:13:25

2 Q. I see. So the portion keeping the USB 11:13:38

3 female end in place would still have been present in 11:13:41

4 the new design; is that correct? 11:13:43

5 A. Yes. 11:13:44

6 Q. And that was that fabric that we talked 11:13:49

7 about, and you thought it may be molded plastic; is 11:13:51

8 that right? 11:13:56

9 A. Molded plastic, yes. 11:13:56

10 MR. CHUNG: Let's take a quick break. How 11:14:10

11 long would you like, Mr. Pulichino? 11:14:12

12 THE WITNESS: Five minutes is fine. 11:14:15

13 MR. CHUNG: Five minutes. 11:14:17

14 THE VIDEOGRAPHER: Stand by. We are going 11:14:18

15 off the record, the time is 11:14. 11:14:20

16 (Recess.) 11:14:24

17 THE VIDEOGRAPHER: We are back on the 11:24:27

18 record, the time is 11:24. 11:24:37

19 Q. Welcome back, Mr. Pulichino. 11:24:44

20 A. Thank you. 11:24:45

21 Q. Sorry. Give me one moment. 11:24:46

22 A. Can I go back to the purchase order you 11:25:19

23 put up? 11:25:21

24 Q. Sure. If that would -- 11:25:22

25 A. You had asked me whether I -- what was 11:25:24

1 this, and just two comments. You know, one, you see 11:25:26
2 over on the right-hand side it says "order number 11:25:32
3 replenishment," it could mean this is a 11:25:36
4 replenishment of past orders for the same product. 11:25:40
5 I don't know -- I don't see any documents here, but 11:25:44
6 it could be the second or third or fourth particular 11:25:46
7 order for this product. 11:25:49
8 And secondly, obviously there is -- any 11:25:50
9 time we generally order, we have a commitment from a 11:25:55
10 customer long before the order is placed. So that 11:25:59
11 means we've presented the product to the customer, 11:26:02
12 they have accepted the -- expressed their interest 11:26:06
13 in the design, and, based on that, we would then go 11:26:10
14 out and manufacture the product. 11:26:15
15 So just some additional comments on what 11:26:16
16 goes behind a purchase order. 11:26:19
17 Q. Okay. Just to confirm, your testimony 11:26:21
18 just now was a clarification for this Exhibit 4 11:26:26
19 that's shown on the screen now, correct? 11:26:31
20 A. Yes, that's correct. 11:26:33
21 Q. And you said that the order number 11:26:34
22 replenishment at the right means that there was 11:26:39
23 likely a similar order in the past, and that this 11:26:41
24 would have been to replenish the stock for that 11:26:45
25 product; is that correct? 11:26:47

1 answer, let me ask the question again. 11:28:40

2 Is this Exhibit 5, like Exhibit 4, a 11:28:42

3 purchase order created in Group III's ordinary 11:28:44

4 course of business? 11:28:47

5 A. Yes. 11:28:47

6 Q. Thank you. 11:28:48

7 And I'm popping in Exhibit 6, Bates number 11:28:56

8 GroupIII-000038. 11:29:09

9 (Pulichino Exhibit 6, Purchase Order, 11:29:09

10 marked for identification.) 11:29:15

11 Q. Let me know when you can see the document, 11:29:15

12 Mr. Pulichino. 11:29:18

13 A. Yes. 11:29:19

14 Q. And is this document another purchase 11:29:22

15 order created in Group III's ordinary course of 11:29:24

16 business? 11:29:28

17 A. Yes, this one happens to be for a Walmart, 11:29:28

18 and the factory is Guangzhou Panyu Tourism. And 11:29:34

19 again, it's for the 5358 backpack. 11:29:42

20 Q. So in this particular purchase order, the 11:29:47

21 customer that placed the order would have been 11:29:50

22 Walmart, correct? 11:29:52

23 A. Correct. 11:29:53

24 MR. CHUNG: Okay. Putting in Exhibit 7. 11:30:12

25 It's a document Bates numbered GroupIII-000045. 11:30:13

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1	(Pulichino Exhibit 7, Commercial Invoice	11:30:13
2	Bearing Bates Group III-000045, marked for	11:30:13
3	identification.)	11:30:21
4	Q. And, Mr. Pulichino, if you can please let	11:30:21
5	me know when you can see the document.	11:30:24
6	A. Yes.	11:30:25
7	Q. Do you recognize this document?	11:30:26
8	A. Yes.	11:30:29
9	Q. And what is Exhibit 7?	11:30:30
10	A. This is a commercial invoice from the	11:30:35
11	manufacturer that produced the 5358 bag, and	11:30:37
12	obviously the funds that were due him for	11:30:46
13	3,807 pieces of the item. It's dated April 3, 2017,	11:30:51
14	the shipment date, and it would be shipped to our	11:31:00
15	Pompano Beach warehouse.	11:31:16
16	Q. And I apologize, where are you seeing	11:31:17
17	April 3rd, 2017?	11:31:20
18	A. If I look at "Shipping Date" up in the	11:31:21
19	top, it says April 3rd -- I think it's 3rd. Is it	11:31:24
20	3rd or 30th? Right there, April 3rd, 2017, yeah.	11:31:29
21	Q. And just to make sure, do you mean	11:31:35
22	August 3rd?	11:31:38
23	A. Excuse me, August. August 3rd, I'm sorry.	11:31:39
24	Q. So that means that the manufacturer would	11:31:44
25	have shipped Group III 3,807 pieces of the 5358 bag	11:31:48

1 on August 3, 2017; is that correct? 11:31:56

2 A. Correct. 11:31:59

3 Q. And would this -- sorry, go ahead. 11:32:00

4 A. No, no question. 11:32:06

5 Q. So would this commercial invoice have 11:32:12

6 resulted from the purchase order that Group III 11:32:14

7 places to its manufacturers that we saw in the 11:32:16

8 previous exhibits? 11:32:19

9 A. I -- I'd have to go back and see if it was 11:32:21

10 the same manufacturer. It may or may not have been. 11:32:24

11 Q. But generally speaking, as a matter of 11:32:27

12 Group III's course of business, would -- is it the 11:32:31

13 case that Group III would submit a purchase order 11:32:34

14 and then the manufacturer would provide an invoice? 11:32:36

15 A. Correct. 11:32:39

16 Q. So this shipment from this manufacturer, 11:32:41

17 Group III reflected in Exhibit 7, would have been a 11:32:45

18 result of an order placed by one of 11:32:48

19 Group III's -- 11:32:52

20 A. Yeah, if you look back -- excuse me. If 11:32:53

21 you look at the bottom left-hand corner, it says 11:32:57

22 "GPO." That's Group III Purchase Order. And that 11:33:00

23 number there would be the purchase order. 11:33:02

24 2239-15-00, I believe is the number. So GPO stands 11:33:08

25 for Group III Purchase Order. 11:33:11

1 Q. And that purchase order would be reflected 11:33:14
2 in the -- 11:33:18
3 A. Would be -- 11:33:21
4 Q. -- purchase order placed, correct? 11:33:22
5 A. Right. Right. We would have the purchase 11:33:24
6 order similar to the ones that you illustrated 11:33:26
7 before for that particular item, the quantity to 11:33:28
8 this manufacturer for the appropriate ship dates. 11:33:34
9 (Reporter clarification.) 11:33:34
10 A. I'll repeat what I think I said. So this 11:33:42
11 is a purchase that would reflect who the 11:33:44
12 manufacturer is, the quantity of the item, and the 11:33:47
13 ship date. 11:33:54
14 Q. And just to confirm, I think you said 11:33:56
15 purchase order just now, but you mean invoice, 11:34:05
16 correct? 11:34:08
17 A. This is an invoice, yeah. When I was 11:34:09
18 referring to purchase order, it's down in the 11:34:12
19 left-hand corner, where it says "GPO." That's the 11:34:14
20 purchase order, and this is the commercial invoice 11:34:18
21 that the manufacturer submitted to us for payment 11:34:20
22 against that purchase order. 11:34:23
23 Q. I see. Looking on the second page of this 11:34:25
24 exhibit, Exhibit 7, what is being shown on this 11:34:31
25 page? 11:34:39

1 A. This is a packing list, which essentially
2 confirms what was placed in the container for
3 shipment. And, again, it's referencing that same
4 purchase order number, the quantity of the item, and
5 this is the packing list that goes along with the
6 shipment.

7 Q. And it shows the same shipment date that
8 we saw earlier, August 3rd, 2017, correct?

9 A. Right. Correct.

10 MR. CHUNG: And I'm going to mark as
11 Exhibit 8, a document with Bates number
12 GroupIII-0000087.

13 (Pulichino Exhibit 8, Report, marked for
14 identification.)

15 Q. And let me know when you can see it,
16 please, Mr. Pulichino.

17 A. Yes, I'm familiar with this document.

18 Q. Let me rotate it so you can see it better.

19 You said you were familiar with this
20 document. Can you explain what it is?

21 A. This is a report that's generated by the
22 company listing for the particular time frame and
23 for the backpack, the order quantity and the
24 requested ship date and who the customer is - in
25 this case, it's Walmart - and highlighted in yellow

1 are the reference customer PO numbers for each of 11:36:41
2 these shipments. 11:36:50
3 Q. So the second column in this Exhibit 8 11:36:51
4 says "ORDDT," correct? 11:37:04
5 A. Yeah. 11:37:07
6 Q. And what does that mean? 11:37:08
7 A. That's the order date. 11:37:11
8 Q. So would that be the date that the 11:37:18
9 customer, you said Walmart, placed the orders shown 11:37:20
10 on this spreadsheet? 11:37:24
11 A. Correct. Correct. 11:37:26
12 Q. And would the "Shipped DT" in the next 11:37:26
13 column be the date that those orders were shipped? 11:37:32
14 A. Correct. 11:37:36
15 Q. And the next column for item number all 11:37:36
16 have that same 5358 number, correct? 11:37:43
17 A. Correct. 11:37:48
18 Q. So were these orders all for the 5358 bag? 11:37:49
19 A. Yes. 11:37:58
20 Q. And the 5358 bags sold to these -- sold on 11:37:59
21 these dates would all have had that USB connector 11:38:06
22 feature that we discussed earlier, correct? 11:38:10
23 A. Yes. 11:38:13
24 MR. CHUNG: I'm going to drop into the 11:38:28
25 chat exhibit with Bates number GroupIII-000096. 11:38:30

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1	(Pulichino Exhibit 9, Document Starting	11:38:30
2	With Bates Number Group III-000096, marked for	11:38:30
3	identification.)	11:38:43
4	Q. And, Mr. Pulichino, it may actually be	11:38:43
5	better, if you want to actually look at this	11:38:45
6	document, look through it. And if you could	11:38:49
7	actually take a moment to look through it. And you	11:38:54
8	don't have to read the text, but just review the	11:38:56
9	images that are in the document --	11:38:59
10	A. Yes.	11:39:00
11	Q. -- and let me know when you're done.	11:39:01
12	MR. BROWN: What's the starting Bates	11:39:02
13	number. He can look at it in his binder. It would	11:39:04
14	probably be easier.	11:39:08
15	MR. CHUNG: I apologize. This a document	11:39:08
16	starting with Bates number Group III-000096.	11:39:11
17	MR. BROWN: 96. And you want him to read	11:39:14
18	from 96 to what?	11:39:17
19	MR. CHUNG: Through 115.	11:39:18
20	MR. BROWN: Okay. So take a look at 96	11:39:20
21	through 115, and let us know when you're ready.	11:39:23
22	MR. CHUNG: And you don't have to read all	11:39:26
23	the text. If you can just review the images.	11:39:27
24	A. Okay. I'm looking at it now.	11:39:44
25	Q. Have you had a chance to review the images	11:39:47

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1	in this document?	11:39:49
2	MR. BROWN: He's looking at it right now.	11:39:51
3	A. Yes, I am familiar with it.	11:39:52
4	Q. And do the images shown in this Exhibit 9	11:39:55
5	reflect the 5358 bag as it was sold to the general	11:40:00
6	public?	11:40:05
7	A. Yes.	11:40:05
8	Q. And if you could look at the pages with	11:40:06
9	Bates numbers ending in 102 and 103, do those	11:40:12
10	accurately depict the USB connector feature as	11:40:26
11	sold --	11:40:29
12	A. Yes.	11:40:31
13	Q. -- in the 5358 products?	11:40:31
14	(Reporter clarification.)	11:40:31
15	Q. I'll just re-ask it.	11:40:38
16	Do these images in Bates number pages	11:40:40
17	ending in 102 and 103 of Exhibit 10 accurately show	11:40:43
18	the USB connector feature as it was present in the	11:40:47
19	5358 bags sold to the public?	11:40:50
20	A. Yes.	11:40:54
21	Q. And is the outer flange that you were	11:40:55
22	talking about earlier present in these images?	11:41:04
23	A. Could you repeat the question?	11:41:08
24	Q. Is the outer flange that you mentioned	11:41:09
25	earlier shown in these images?	11:41:14

1 connected to the outer flange? 11:42:36

2 A. Yes. It's part of the overall mold of the 11:42:38

3 flange. 11:42:42

4 Q. So this USB female end port area would be 11:42:43

5 formed as one piece with the outer flange; is that 11:42:52

6 correct? 11:42:55

7 A. Correct. 11:42:55

8 MR. KEYHANI: Objection. Objection. 11:42:56

9 Form. 11:42:58

10 Q. And I believe you said that the outer 11:42:59

11 flange would be sewed to the inner flange; is that 11:43:02

12 correct? 11:43:10

13 MR. KEYHANI: Objection. Form. 11:43:10

14 A. Yes. 11:43:11

15 Q. And so the inner flange is not visible in 11:43:12

16 this image; is that correct? 11:43:15

17 A. Correct. 11:43:17

18 Q. Would the inner flange be the same size as 11:43:18

19 the outer flange? 11:43:27

20 A. Yes. 11:43:28

21 MR. KEYHANI: Objection. Form. 11:43:31

22 Q. So am I correct that the inner flange and 11:43:35

23 the outer flange, which includes this portion that 11:43:38

24 covers the female end of the USB cable, are two 11:43:41

25 separate pieces that are stitched together? 11:43:44

1	MR. KEYHANI: Objection. Form.	11:43:49
2	A. Correct. This gives the stability of	11:43:50
3	the -- of the mechanism, the port, to stay in place	11:43:52
4	in one location.	11:44:00
5	Q. And the inner and outer flange would be	11:44:01
6	stitched together around the hole in the shoulder	11:44:09
7	strap that the USB cable comes out of; is that	11:44:11
8	correct?	11:44:15
9	MR. KEYHANI: Objection. Form.	11:44:15
10	A. The outer flange is sewn through the outer	11:44:19
11	material to the inner flange, and then, on the	11:44:23
12	backside of the strap, the fabric is -- covers it	11:44:26
13	and is sewn to the two edge materials that you see	11:44:32
14	here in this photograph.	11:44:37
15	Q. In terms of the manufacturing order, is	11:44:51
16	the bag with the shoulder strap manufactured first	11:45:01
17	and then the outer and inner flange added to it?	11:45:04
18	MR. KEYHANI: Objection. Form.	11:45:09
19	A. The sequence of assembly would be you'd	11:45:11
20	have the material that -- the main body material for	11:45:14
21	the strap, okay, right? That would have a hole cut	11:45:20
22	in it, all right, to allow the mechanism to come	11:45:25
23	forward. Then behind that you would have the inner	11:45:30
24	flange that would then be sewn as an assembly. And	11:45:33
25	then the final phase would be to sew the back	11:45:37

1 material along with the edging for both front and 11:45:42
2 back. And that would complete the assembly. So 11:45:45
3 that would be the sequence. 11:45:50
4 Q. I see. Just to confirm I understand that 11:45:51
5 correctly, you would have -- you would manufacture 11:45:58
6 the bag with the shoulder strap and then cut a hole 11:46:00
7 in the shoulder strap, and then sew the inner flange 11:46:04
8 behind that hole and then sew the outer flange on 11:46:09
9 top of the inner flange; is that correct? 11:46:14
10 A. Correct. 11:46:17
11 MR. KEYHANI: Objection to form. 11:46:18
12 Q. Okay. And the 5358 bags depicted in this 11:46:20
13 Exhibit 9, would these have the same internal 11:46:38
14 structure, with the USB cable running through the 11:46:41
15 shoulder straps to the battery on the inside? 11:46:44
16 A. Yes. 11:46:47
17 Q. And looking at the pages that are -- that 11:46:48
18 have Bates numbers ending in 111 and 112...and let 11:47:00
19 me know when you can see it, please. 11:47:13
20 A. Okay. This is the -- on the inside of the 11:47:15
21 bag, the interior pocket, that would hold the 11:47:18
22 battery in which the USB connector would be 11:47:21
23 connected to the battery. 11:47:28
24 And you can see the cord that runs inside 11:47:40
25 the battery that would be -- go through the shoulder 11:47:42

1 strap. You can see in the second picture there at 11:47:44
2 the top, the hole that's going through the -- that 11:47:47
3 top section, that then slides down into the strap to 11:47:50
4 get to the female port of the USB. 11:47:54

5 Q. Okay. So on this page of Exhibit 9 with 11:48:01
6 Bates number ending in 112, at the top it shows the 11:48:06
7 red cable going into -- it looks like internal to 11:48:10
8 the bag, correct? 11:48:14

9 A. Correct. 11:48:15

10 Q. And you're saying that that hole would 11:48:17
11 lead to the shoulder strap and eventually outside to 11:48:19
12 where the power outlet is; is that correct? 11:48:21

13 A. Correct. 11:48:22

14 Q. And do you see this little portion that's 11:48:23
15 holding part of the cable in the bag? 11:48:29

16 A. Yes. 11:48:31

17 Q. Was that present in every 5358 bag that 11:48:32
18 was sold? 11:48:37

19 A. I believe so. 11:48:38

20 MR. CHUNG: Okay. I'd like to introduce 11:49:10
21 as Exhibit 10, a document that has Bates number 11:49:12
22 GroupIII-0000022. 11:49:19

23 (Pulichino Exhibit 10, Design 11:49:19
24 Specification Sheet, marked for identification.) 11:49:29

25 Q. Let me know when you can see it, please. 11:49:29

1 part of their planogram. Planogram is the 11:51:30
2 assortment that they put on their selling shelves in 11:51:44
3 the store. 11:51:47
4 Q. And you said that this carry-on bag has a 11:51:51
5 feature of a USB, correct? 11:51:58
6 A. Correct. 11:52:00
7 Q. How do you know that this bag had a USB 11:52:01
8 feature? 11:52:07
9 A. Well, I think in subsequent, I think 11:52:08
10 one -- I think, quite frankly, there's a misspelling 11:52:13
11 up on top. Where it has URS, it should be USB. 11:52:16
12 But anyway, if you go to subsequent pages 11:52:20
13 on this, it will clearly demonstrate the use of -- 11:52:24
14 okay, right there. Stop, go back. Okay. Okay. If 11:52:28
15 you look on that one right there, on the right 11:52:32
16 vision, you can see that thing on the -- okay. 11:52:35
17 The cross lines there, two parallel cross 11:52:41
18 lines, that right there is the female USB entrance 11:52:44
19 point that's with a -- actually an item we 11:52:49
20 redesigned for the USB port to kind of move from the 11:52:54
21 off-the-shelf item that you've shown in previous 11:52:59
22 documents. This is one now that we uniquely design 11:53:03
23 specifically for our products. 11:53:08
24 Q. Okay. Taking one step back, going back to 11:53:13
25 the first page, this design document has a project 11:53:18

1 number at the top right, correct? 11:53:23

2 A. Yes, it it's SA6067J. 11:53:25

3 Q. So as with the 5358 products, is the name 11:53:32

4 of this product the 6067? 11:53:37

5 A. Yes. 11:53:41

6 Q. And the J would mean that it's Revision J; 11:53:42

7 is that correct? 11:53:48

8 A. Correct. 11:53:48

9 Q. Do you know if there were later revisions 11:53:49

10 of this document? 11:53:53

11 A. Repeat that? 11:53:54

12 Q. Do you know if there were later revisions 11:53:56

13 of the design document for the 6067? 11:53:59

14 A. Yeah. On the J revision, quite possibly. 11:54:03

15 I don't know sitting here today, but there could 11:54:06

16 very well be. 11:54:10

17 Q. Would those later revisions still have 11:54:11

18 included the USB feature that's depicted in this 11:54:15

19 document? 11:54:18

20 A. Yes. 11:54:18

21 Q. Looking at the page with Bates number 11:54:19

22 ending in 0025 -- excuse me, 24, you said that this 11:54:27

23 image on the right shows the USB feature, correct? 11:54:34

24 A. Yes. 11:54:37

25 Q. And you said that this was specifically 11:54:38

1 designed by Group III for this product; is that 11:54:42
2 correct? 11:54:46
3 A. Yes, for this as well as any product that 11:54:46
4 was going to have a USB application. 11:54:48
5 Q. But I believe you said that the 5358 11:54:51
6 product was built using off-the-shelf components, 11:55:04
7 correct? 11:55:10
8 A. Subsequently we migrated from the 11:55:10
9 off-the-shelf item to utilization of our unique 11:55:13
10 design for the USB port. 11:55:16
11 Q. Give me one moment. 11:55:22
12 And pulling back up Exhibit 9, which is 11:55:54
13 this article depicting the 5358 bag, would the -- 11:56:02
14 was the sheath that's depicted in the pages Bates 11:56:10
15 numbered 102 and 103, is that the off-the-shelf 11:56:13
16 version or the Group III design version? 11:56:19
17 A. I think that's the off-the-shelf -- 11:56:22
18 MR. KEYHANI: Objection. Objection. 11:56:25
19 Form. 11:56:26
20 A. That's the off-the-shelf. 11:56:26
21 Q. I see. So there was a later redesign to 11:56:29
22 the 5358 that had Group III's own design; is that 11:56:32
23 correct? 11:56:37
24 A. Correct. 11:56:37
25 Q. Do you know what year that redesign took 11:56:37

1 place? 11:56:41

2 A. I believe it was 2017. 11:56:41

3 Q. Did the redesigned version of the USB 11:56:44

4 feature used in the 5358 product, was that the same 11:56:58

5 as the one used in the 6067 product or was that 11:57:05

6 different? 11:57:09

7 A. No, it was the same. 11:57:10

8 MR. KEYHANI: Objection. Objection. 11:57:11

9 Form. 11:57:13

10 A. It was the same. 11:57:15

11 Q. Looking back at Exhibit 10, did the USB 11:57:19

12 feature in the 6067 product, did it also hold the 11:57:30

13 female end of the USB outside the bag? 11:57:36

14 MR. KEYHANI: Objection. Form. 11:57:41

15 A. Yeah, the female side you can see on the 11:57:43

16 side of the bag there. 11:57:46

17 Q. So how was the portion that held that 11:57:51

18 female end of the USB in place in the 6067 product 11:57:59

19 structured? 11:58:04

20 A. Well, it -- similar to what I explained 11:58:05

21 before, I believe this spec sheet might have more 11:58:07

22 detail on that in terms of the -- seeing the whole 11:58:10

23 assembly and how it's mounted to the bag. It's the 11:58:13

24 same thing. There's a flange on the inside, we cut 11:58:18

25 a hole in the bag, we mount the -- the port through 11:58:21

1 the back, the flange stays behind the material, the 11:58:26
2 portion that -- the female portion is on the 11:58:33
3 surface. And then it's sewn, the material is sewn 11:58:37
4 to connect the material to the flange. 11:58:40

5 We did it a little bit differently. We 11:58:42
6 didn't need a -- you'll see that it's not the same 11:58:45
7 kind of external flange as we had with the 11:58:49
8 off-the-shelf one. I think there's an illustration 11:58:53
9 that could really -- 11:58:59

10 MR. BROWN: You can ask him to scroll it. 11:58:59

11 A. Yeah, if you scroll it down, I think 11:59:00
12 you'll see something that better explains it. Keep 11:59:02
13 going. 11:59:07

14 Here we go. Okay. So that gives you a 11:59:25
15 better understanding of -- of the item. So what 11:59:29
16 happened -- two things we did. We now you can see 11:59:34
17 the port is angular, which makes the consumer have 11:59:37
18 easier access to -- functionality-wise, to insert 11:59:40
19 the male into the female on the outside. 11:59:46

20 And then we -- as I said before, we cut a 11:59:49
21 hole in the material. The female portion protrudes 11:59:52
22 through, and then we sew around the border of the 11:59:57
23 flange. It's all one piece now. It's not two 12:00:00
24 pieces, a back or front flange. It's one solid 12:00:03
25 piece. That big piece, the flange is behind the 12:00:06

1 material and then it's sewn on the outside from
2 the -- through the material into the flange.

3 So we think we improved it in terms of use
4 to the consumer, and also from the standpoint of
5 manufacturability, and also, you know, having
6 something that was unique to us that wasn't in the
7 marketplace.

8 Q. I see. So just to --

9 MR. BROWN: What's the -- Joon, I can't
10 see. What's the Bates?

11 MR. CHUNG: Yeah, I was about to get to
12 that.

13 Q. Just to make sure I'm understanding
14 correctly, Mr. Pulichino, on this page of Exhibit 10
15 with a Bates label ending in 0037, this depicts --
16 this depicts the USB flange designed by Group III
17 that was used in the 6067 product; is that correct?

18 A. Correct.

19 Q. And you said that it was angular. Is that
20 pointing to this image on the bottom right here?

21 A. Correct.

22 Q. So the USB female end would be coming out
23 of an angle with respect to the surface of the bag;
24 is that correct?

25 A. Correct.

1 Q. And you mentioned that this larger square 12:01:25
2 part that surrounds this feature would be on the 12:01:32
3 inside of the bag; is that correct? 12:01:37
4 A. Correct. 12:01:39
5 Q. So in this image, only this smaller square 12:01:40
6 would be outside of the hole in the 6067 bag; is 12:01:51
7 that correct? 12:01:58
8 A. Correct. 12:01:58
9 Q. And you said unlike the previous product 12:01:59
10 that had an inner and outer flange, this would just 12:02:10
11 be a one-piece flange; is that right? 12:02:13
12 A. Correct. 12:02:15
13 MR. KEYHANI: Objection. Form. 12:02:17
14 Q. So it isn't really visible in these 12:02:20
15 images, but would there be a hole behind this 12:02:26
16 smaller square in the image so that the USB cable 12:02:32
17 could come out? 12:02:35
18 A. Correct. 12:02:36
19 Q. And would the hole be part of this larger 12:02:37
20 square, like there would be a hole in the square for 12:02:42
21 the female end to come through? 12:02:45
22 A. No, that -- the size of the hole would be 12:02:48
23 enough to have that -- the port itself in that first 12:02:52
24 rectangle, and the larger flange would remain in the 12:02:57
25 back. And that's what you would see the outer 12:03:01

1 material, to that flange that's sitting inside the 12:03:04
2 material. That's -- that outer flange is not 12:03:06
3 visible once the assembly is complete. 12:03:11
4 I think the -- the illustration shows the 12:03:26
5 product with the port on the side of the bag, 12:03:28
6 somewhat. 12:03:31
7 Q. Sorry, were you finished? 12:03:38
8 A. I'm sorry? 12:03:44
9 Q. Were you finished with your answer? 12:03:45
10 A. Finished, yeah. Yes. 12:03:49
11 Q. Just to confirm I'm understanding 12:03:51
12 correctly, this larger rectangle that goes inside 12:03:57
13 the bag, is that -- does that have a big hole where 12:04:02
14 the smaller rectangle would be in the back? 12:04:06
15 A. Yes. The hole has to be large enough to 12:04:10
16 allow the female port to come through. 12:04:13
17 Q. I see. So the larger rectangular portion 12:04:15
18 in the back would have a hole that's just large 12:04:24
19 enough for the female end of the USB cable to go 12:04:26
20 through; is that correct? 12:04:29
21 A. Yeah, the hole has to be larger -- think 12:04:30
22 of it as, you know, you've got a hole cut, you push 12:04:36
23 the thing from the inside through, and the only 12:04:39
24 thing that comes through is the female port. The 12:04:41
25 outer flange, the big flange, stays inside. And 12:04:44

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1	A. Yes.	12:06:13
2	Q. And like the 5358 bag, does the male end	12:06:13
3	of the USB cable in the 6067 product connect to the	12:06:23
4	battery on the inside of the bag?	12:06:27
5	A. Yes.	12:06:30
6	Q. And the other female end of the same cable	12:06:30
7	would be coming out of that flange that we just	12:06:35
8	looked at, correct?	12:06:38
9	A. Yes.	12:06:39
10	Q. And were these features, the internal	12:06:40
11	battery compartment, the USB cable, and the flange,	12:06:50
12	present in the 6067 product that was sold to the	12:06:53
13	public?	12:06:56
14	A. Yes.	12:06:57
15	MR. CHUNG: I'll mark as Exhibit 11 a	12:07:16
16	document with Bates number GroupIII-000094.	12:07:19
17	(Pulichino Exhibit 11, Document for	12:07:19
18	Project SG-X27, marked for identification.)	12:07:29
19	Q. And let me know when you can see it,	12:07:29
20	Mr. Pulichino.	12:07:31
21	A. Yes.	12:07:33
22	Q. Do you recognize this document?	12:07:34
23	A. Yes.	12:07:39
24	Q. And what is this document?	12:07:40
25	A. This is a document, and I believe it has	12:07:44

1 two pages, for Project SG-X27 that was designed on 12:07:50
2 this sheet on April 18th, 2017. And it was to -- 12:07:59
3 the idea behind it was to replace the off-the-shelf 12:08:04
4 port that was available to the general public right 12:08:08
5 from the beginning, to have something that was 12:08:11
6 unique for Group III and offered an improvement in 12:08:15
7 the overall design and the method of assembly of the 12:08:20
8 product, so it could be put in multiple locations on 12:08:25
9 a variety of different bags, bags such as the 5358 12:08:30
10 or the 60 -- what is it, the 267 that we just 12:08:35
11 viewed. 12:08:43

12 And from that point forward, this was the 12:08:43
13 port for the female USB connection that we used 12:08:46
14 on all of our products. 12:08:51

15 Q. Do you know how long after this USB port 12:08:58
16 was designed it started being used in the 5358 12:09:04
17 product? 12:09:09

18 A. I can't say with certainty, but it was 12:09:11
19 very quickly done. Because the product was 12:09:14
20 designed, molded very quickly, and I would say the 12:09:18
21 running change probably as early as May production, 12:09:22
22 okay, for the product. May of 2017. 12:09:29

23 Q. And this does -- would -- strike that. 12:09:35

24 Do the images shown in this Exhibit 11 12:09:44
25 accurately reflect the structure of the USB port 12:09:46

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1	that was used in the 6067 product?	12:09:50
2	A. That's correct.	12:09:53
3	MR. KEYHANI: Objection.	12:09:55
4	A. That's correct, it was.	12:09:56
5	Q. So in the 6067 products that were sold to	12:09:57
6	the public, would the USB port have had the design	12:10:08
7	shown in this document?	12:10:12
8	A. Yes.	12:10:14
9	MR. CHUNG: I know Mr. Brown has a call in	12:10:24
10	five minutes. I think we can take our next break.	12:10:27
11	And, Mr. Pulichino, you're on the	12:10:30
12	East Coast, correct?	12:10:33
13	THE WITNESS: I'm sorry? I'm what?	12:10:35
14	MR. CHUNG: You're on the East Coast.	12:10:37
15	Correct?	12:10:37
16	THE WITNESS: Yeah. The East Coast, yeah,	12:10:41
17	that's right.	12:10:42
18	MR. CHUNG: So we can make this a lunch	12:10:42
19	break.	12:10:45
20	THE VIDEOGRAPHER: Stand by. We are going	12:10:46
21	off the record, the time is 12:10.	12:10:48
22	(Recess.)	12:10:50
23	THE VIDEOGRAPHER: We are back on the	12:34:08
24	record, the time is 12:34.	12:34:09
25	Q. Welcome back, Mr. Pulichino.	12:34:13

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1	A. Okay. Thank you.	12:34:15
2	Q. Do you have any clarifications you'd like	12:34:18
3	to make about your testimony before the break?	12:34:22
4	A. No, not at this time.	12:34:25
5	Q. Okay.	12:34:27
6	MR. CHUNG: I'd like to introduce as	12:34:29
7	Exhibit 12 a document starting at Bates number	12:34:32
8	GroupIII-000048.	12:34:39
9	Q. And if you could please let me know when	12:34:46
10	you can see it.	12:34:48
11	MR. BROWN: Do you want to look at the	12:34:55
12	(inaudible).	12:34:57
13	THE WITNESS: I can see it here, yeah.	12:34:57
14	MR. BROWN: Do you want me to zoom in?	12:34:59
15	THE WITNESS: A little zoom, yeah. Okay.	12:35:01
16	That's good. Yeah, that's good. Thank you.	12:35:03
17	Q. All right. Mr. Pulichino, do you	12:35:06
18	recognize this document?	12:35:09
19	A. Yes. This is a summary document created	12:35:10
20	in the ordinary course of business that speaks to	12:35:16
21	orders that we shipped to Target. And you can see	12:35:21
22	there the order date, the ship date, the	12:35:27
23	PO numbers - that's Target PO numbers - and then the	12:35:31
24	item number, which is the 6067. Which is the item I	12:35:36
25	think we had referenced earlier in the -- today in	12:35:41

1 terms of the product, the carry-on piece of luggage 12:35:45
2 that had the USB feature. 12:35:49
3 Q. And just to -- 12:35:52
4 A. And -- 12:35:54
5 Q. I apologize. Please, go ahead. 12:35:58
6 A. No, you can see the ship order date, ship 12:35:59
7 date, customer, customer's PO number, and the item 12:36:03
8 number, which is what we spoke to earlier. 12:36:05
9 Q. And just to make sure you've seen the full 12:36:08
10 document, there is a second page here. And if you 12:36:11
11 could please let me know if that changes any of your 12:36:15
12 testimony. 12:36:18
13 A. Yeah. So that's the -- again, the 12:36:19
14 carry-on item, the color, the quantity that was 12:36:23
15 ordered, the quantity that was shipped, and the 12:36:28
16 billing date to Target for the products. 12:36:33
17 Q. And this second page does not change your 12:36:38
18 testimony regarding the items on the first page, 12:36:42
19 correct? 12:36:45
20 A. Correct. 12:36:45
21 Q. And just to make sure, you said you see an 12:36:46
22 order date and a shipped date. Does that refer to 12:36:51
23 the second and third columns in this Exhibit 12? 12:36:53
24 A. Correct. 12:36:57
25 Q. And the item number that starts in the 12:36:58

1 6067, that's how you know that these are orders for 12:37:06
2 the 6067 product, correct? 12:37:09
3 A. Correct. 12:37:10
4 Q. And with the numbers that follow that, 12:37:11
5 like we saw in the other document for the 5358, are 12:37:15
6 those for the color? 12:37:19
7 A. Correct. 12:37:21
8 MR. CHUNG: And I'd like to mark as 12:37:33
9 Exhibit 13 a document with a Bates number 12:37:35
10 Group III-000088. 12:37:37
11 (Pulichino Exhibit 13, Summary Document, 12:37:37
12 marked for identification.) 12:37:49
13 Q. And if you could please let me know when 12:37:49
14 you see it on your page. 12:37:51
15 A. Okay. Make it a little bigger, possibly. 12:37:55
16 Okay. That's okay. That's good. That's 12:38:05
17 good. I can read it. 12:38:11
18 Q. And do you recognize Exhibit 13, 12:38:13
19 Mr. Pulichino? 12:38:16
20 A. Yes, I do. 12:38:16
21 Q. And what is this document? 12:38:17
22 A. This is a summary document that is grouped 12:38:20
23 by the carry-on, the 6067 carry-on. And then you 12:38:27
24 have a variety of customers who purchase these - you 12:38:33
25 see Target stores, Marazzi, the international 12:38:37

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1 customer, our Swiss web - giving the item number, as 12:38:42
2 you can see, 6067, which we spoke of earlier, the 12:38:46
3 purchase order for the particular product from the 12:38:53
4 customer that's listed there, and, as you can see, 12:38:58
5 that's for the -- the order quantity, the item 12:39:02
6 description, the -- I guess that's inventory 12:39:06
7 dollars. It must be the standard cost. The item 12:39:16
8 commodity code, and the item classification, which, 12:39:24
9 you know, says luggage. That's the -- 12:39:30
10 Q. What does 1LG -- I apologize. Go ahead. 12:39:30
11 A. I'm sorry, say it again. 12:39:33
12 Q. Were you finished with your answer? 12:39:35
13 A. No, I'm -- do you have another question on 12:39:39
14 the document? 12:39:44
15 Q. I'm sorry. What does 1LG luggage mean in 12:39:45
16 this -- 12:39:49
17 A. Oh, I'm sorry. Okay. I'm not quite sure. 12:39:50
18 It's got to be something -- obviously it has to do 12:39:56
19 with the carry-on that's in "Item Description." So 12:39:59
20 the item class, it must be -- I don't know, it could 12:40:03
21 be an internal code we have that puts it into the 12:40:08
22 luggage category. That's -- I believe that's what 12:40:11
23 that's for. 12:40:18
24 Q. And the item number for all of the orders 12:40:18
25 shown in this Exhibit 13 all start with 6067, 12:40:21

1 correct? 12:40:25

2 A. That's correct, yeah. 12:40:25

3 Q. And so this document reflects orders for 12:40:30

4 the 6067 bag and the dates that those orders were 12:40:34

5 placed; is that correct? 12:40:38

6 A. Right. Well, the orders and the different 12:40:39

7 customers that it's for. 12:40:42

8 Q. And so would the 6067 bag that was sold to 12:40:43

9 these customers have the Group III designed USB port 12:40:47

10 that we looked at earlier -- 12:40:54

11 A. Yes. Yes. 12:40:56

12 MR. CHUNG: And I would like to introduce 12:41:14

13 an Exhibit 14, a document with Bates number 12:41:16

14 Group00 -- excuse me, GroupIII-00050. 12:41:21

15 (Pulichino Exhibit 14, Bill of Lading, 12:41:21

16 marked for identification.) 12:41:30

17 Q. And if you could please let me know when 12:41:30

18 you can see it on your page. 12:41:32

19 A. Yes. 12:41:34

20 Q. Do you recognize this document, 12:41:35

21 Mr. Pulichino? 12:41:37

22 A. Yeah, this is a bill of lading that was 12:41:39

23 created for a shipment to a Target distribution 12:41:43

24 center. It is dated, let me see, November 17th, 12:41:46

25 2017. It references the customer order number and 12:41:56

1 the quantity of packages and the weight, and the 12:42:03
2 number of cartons, that it was luggage and travel 12:42:08
3 accessories. 12:42:12

4 So this is a typical bill of material. 12:42:13
5 This one in particular I believe was for the item we 12:42:17
6 just spoke about, the 6067. 12:42:22

7 Q. So is this bill of lading a document that 12:42:25
8 was created in Group III's ordinary course of 12:42:34
9 business? 12:42:36

10 A. Yes, it was. 12:42:36

11 Q. And would all bills of lading created in 12:42:37
12 the ordinary course of Group III's business have the 12:42:42
13 format shown in this bill of lading? 12:42:45

14 A. Correct. 12:42:47

15 Q. And you mentioned that you believed this 12:42:48
16 was for the 6067 product. How are you able to 12:42:52
17 determine that from this bill of lading document? 12:42:58

18 A. The cross-reference between a customer 12:43:00
19 order number, and then going back to the summary 12:43:05
20 sheet that we had of all of the -- the orders. That 12:43:10
21 would be the connection. 12:43:15

22 So if you look at that supplementary order 12:43:16
23 number there, the first number, I believe, is 0 -- I 12:43:18
24 can't read it exactly, 069524 -- yeah, there we go. 12:43:22
25 00695241238, okay, would be the customer order 12:43:27

1 number, and if you reference that back to that 12:43:33
2 previous sheet, you would find that number being 12:43:38
3 identified as the 6067 product that we spoke of. 12:43:42
4 Q. So if you look back at Exhibit 13 and 12:43:50
5 cross-reference this order number -- 12:43:58
6 A. Yeah. 12:44:00
7 Q. -- you would expect to see these order 12:44:01
8 numbers -- 12:44:03
9 A. You would find -- yeah, you would find 12:44:04
10 those numbers. And that gives you -- that page 12:44:07
11 there gives you all the customer order numbers. 12:44:18
12 Q. And that's the second page of -- 12:44:20
13 A. Right. 12:44:24
14 Q. -- Exhibit 14, correct? 12:44:25
15 A. It's possible some of those order numbers 12:44:28
16 were for another product as well. We send multiple 12:44:31
17 products to Target. But for sure some of those were 12:44:34
18 for the 6067. 12:44:37
19 Q. So what's the difference between the order 12:44:39
20 numbers that are placed on the first page versus the 12:44:51
21 second page? 12:44:54
22 A. The second page, it's the same order 12:44:56
23 numbers, it just gives a little more detail in terms 12:45:00
24 of the packages and weights. 12:45:03
25 Q. I see. I see. Thank you for that 12:45:06

1 clarification. 12:45:08

2 MR. CHUNG: Mark as Exhibit 15, a document 12:45:17

3 with Bates number Group III-000052. 12:45:19

4 (Pulichino Exhibit 15, Bill of Lading, 12:45:19

5 marked for identification.) 12:45:29

6 Q. And if you could please let me know when 12:45:29

7 you can see that. 12:45:31

8 A. Okay. This is, again, a -- I believe it's 12:45:32

9 a bill of lading, right, up top, I think? No, it's 12:45:39

10 a document -- okay. This is a document for a 12:45:43

11 shipment to the Walmart distribution center in 12:45:47

12 Georgia. And, again, you see the customer order 12:45:50

13 numbers, the number of packages, the weight, the -- 12:45:55

14 let's see. The delivery date, you can see, started, 12:46:03

15 for the first one, December 12th, 2017. Number of 12:46:09

16 packages, weight, etc. 12:46:19

17 And this is all order -- customer order 12:46:21

18 numbers for Walmart that are going to the 12:46:25

19 distribution center that's identified in the upper 12:46:29

20 left-hand corner. Right there, it's CP7101, the 12:46:35

21 address. And, yeah, this is a bill of lading for 12:46:41

22 that. 12:46:46

23 Q. Okay. So is CP7101, like, a code for a 12:46:47

24 Walmart distribution center? 12:46:53

25 A. Correct. 12:46:54

1 Q. I see. 12:46:57

2 And is this Exhibit 15 also a document 12:46:59

3 created in the ordinary course of Group III's 12:47:03

4 business? 12:47:05

5 A. Yes. 12:47:06

6 Q. Now, this document has some additional 12:47:06

7 bills of lading in here. And would those all 12:47:15

8 generally follow the same format and contain the 12:47:21

9 same information that you just testified about for 12:47:24

10 the other bills of lading? 12:47:26

11 A. Yes. Yeah. 12:47:28

12 Q. And I'll just scroll through so you can 12:47:29

13 refer to that. 12:47:36

14 A. You can see these are all just the 12:47:38

15 different distribution centers going to for Walmart. 12:47:42

16 Q. I see. So the previous Exhibit 14 would 12:47:45

17 have been orders to the Target, and this Exhibit 15 12:47:54

18 shows orders to Walmart; is that correct? 12:47:56

19 A. Correct. Mm-hmm. 12:47:57

20 Q. And, sorry, just to go back to the first 12:47:59

21 page of Exhibit 15, where does it show the date for 12:48:19

22 the -- well, what's the difference between the -- 12:48:26

23 strike that. 12:48:26

24 There's a date at the top of this first 12:48:36

25 bill of lading document that's December 4th, 2017, 12:48:38

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Conducted on November 6, 2023

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1	correct?	12:48:41
2	A. Mm-hmm, yes.	12:48:41
3	Q. What does that date reflect? Like what	12:48:43
4	actually happened on that date?	12:48:46
5	A. The date, the date we -- the date this was	12:48:49
6	generated, okay, as a result of the purchase order	12:48:53
7	we received from Walmart. And then the bill of	12:48:57
8	lading reflects the ship dates that it must be	12:49:03
9	delivered by.	12:49:07
10	Q. I see.	12:49:09
11	A. Obviously the order comes in advance of	12:49:12
12	the ship dates.	12:49:15
13	Q. I see. So the date at the top reflects	12:49:16
14	the date that Group III received the order from the	12:49:19
15	customer --	12:49:22
16	A. Correct.	12:49:22
17	Q. -- and the "must deliver by" dates would	12:49:23
18	reflect the dates that Group III had to ship the	12:49:26
19	products by; is that correct?	12:49:29
20	A. Correct.	12:49:30
21	MR. CHUNG: I'd like to introduce as	12:49:42
22	Exhibit 16 a document with Bates number	12:49:44
23	Group III-000117.	12:49:45
24	(Pulichino Exhibit 16, Product Depiction,	12:49:45
25	marked for identification.)	12:50:01

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1	Q.	And let me know if you can see it.	12:50:01
2	A.	Okay. I can see it.	12:50:04
3	Q.	Mr. Pulichino, the product depicted in	12:50:12
4		this Exhibit 16 is not a Group III product; is that	12:50:16
5		correct?	12:50:22
6	A.	That's correct, it's not.	12:50:22
7	Q.	Do you recognize what company's product is	12:50:24
8		depicted in Exhibit 16?	12:50:31
9	A.	I don't know the company specifically for	12:50:34
10		this bag. I've seen this document as part of some	12:50:36
11		of the data collection that was done to illustrate	12:50:44
12		the use of a USB port on backpack products.	12:50:45
13		(Unreportable simultaneous conversation.)	12:50:52
14	Q.	You mentioned that you --	12:50:52
15	A.	Excuse me. Go ahead.	12:50:52
16	Q.	I apologize. Go ahead. You can finish	12:50:58
17		you answer.	12:50:59
18	A.	I think there's a date somewhere on this.	12:51:00
19		It's the one -- yeah, right -- is it down on the	12:51:02
20		bottom? Viewed October 2nd, yeah, 2017, yeah. So	12:51:04
21		that's the date that it had 55,000 views, I guess,	12:51:07
22		as of that date.	12:51:12
23		MR. KEYHANI: Objection. Form.	12:51:14
24	Q.	And, Mr. Pulichino, you testified earlier	12:51:19
25		that when Group III first created the 5358 product,	12:51:22

1 it used some off-the-shelf USB port components, 12:51:25
2 correct? 12:51:30
3 A. Yes. 12:51:30
4 Q. You can see in this image in Exhibit 16 12:51:31
5 that there are some holes poked through the top of 12:51:37
6 the USB port area. 12:51:42
7 Do you see that? 12:51:44
8 A. Yes. 12:51:45
9 Q. Do you know if that was a common feature 12:51:46
10 available in the off-the-shelf USB port components 12:51:48
11 when Group III created the 5358 product? 12:51:54
12 MR. KEYHANI: Objection. Objection. 12:51:58
13 Form. 12:52:00
14 A. I -- you know, there were -- there were 12:52:01
15 multiple off-the-shelf USB ports in the market, and 12:52:05
16 this looks like one of those. And I don't know if 12:52:10
17 those holes are actual holes or just indentations 12:52:13
18 for design aesthetic, okay. I can't say with 12:52:18
19 certainty from the photograph. 12:52:22
20 But again, there were multiple 12:52:23
21 off-the-shelf UBS -- USB ports that you could select 12:52:29
22 from. We chose another one; this obviously was 12:52:33
23 another one that was in the marketplace. 12:52:37
24 Q. And I know you said you weren't sure what 12:52:39
25 company made this product, but do you know what this 12:52:44

1 product is? 12:52:47

2 A. Well -- 12:52:49

3 MR. KEYHANI: Objection. 12:52:51

4 A. -- the product is a backpack, okay, and 12:52:52

5 you can see the USB port is attached to a part of 12:52:55

6 the backpack. Judging from the stitch line, I would 12:53:01

7 say there's a flange that is inside the bag, between 12:53:04

8 the outer lining and the inner lining that the 12:53:08

9 flange is sewn to keep the port in place. 12:53:11

10 So that's the best I can could describe 12:53:16

11 it, judging from the photograph here. 12:53:22

12 Q. So would you expect that the way this USB 12:53:26

13 port was sewn into this backpack to be similar to 12:53:29

14 the Group III design, where it was a single piece? 12:53:34

15 A. It would appear so. 12:53:38

16 MR. KEYHANI: Objection. I'm going to put 12:53:40

17 an objection. Objection. 12:53:41

18 A. Yeah, it appears that it is, just judging 12:53:44

19 by -- as I said, the stitch, there's no -- the only 12:53:49

20 reason there's a stitch line there, it's being sewn 12:53:50

21 through a flange inside the bag. So there is no 12:53:53

22 other reason for that stitch to be there. 12:53:56

23 Q. And if the holes or indentations that you 12:53:59

24 can see in this image in Exhibit 16 are actually 12:54:04

25 holes and not just indentations, can you think of 12:54:07

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1	any reasons why those holes might be there?	12:54:09
2	MR. KEYHANI: Objection. This witness is	12:54:12
3	not an expert, he's a fact witness about Wenger's	12:54:16
4	products and Wenger's information. So I think	12:54:20
5	you're --	12:54:22
6	A. I consider myself someone who is an expert	12:54:23
7	in the field, okay, so...	12:54:25
8	MR. KEYHANI: The objection is --	12:54:28
9	(Unreportable simultaneous conversation.)	12:54:33
10	MR. KEYHANI: I'm sorry. This is not to	12:54:33
11	you, Mr. Pulichino, this is for the record.	12:54:34
12	THE WITNESS: My commentary remains the	12:54:38
13	same. I look at this and that the holes could be an	12:54:39
14	aesthetic purpose.	12:54:42
15	MR. KEYHANI: I understand. I'm not	12:54:44
16	finished. Excuse me. One moment, Mr. Pulichino.	12:54:46
17	Let me -- I can make my objection. Please let me	12:54:47
18	finish my objection and you can say whatever you	12:54:50
19	want.	12:54:53
20	I'm objecting that this witness has not	12:54:53
21	been qualified as an expert, is not being presented	12:54:55
22	as an expert, was not permitted to provide expert	12:54:57
23	testimony today. And I'm objecting on those	12:55:01
24	grounds.	12:55:03
25	You can say whatever you want,	12:55:03

1 Mr. Pulichino. I'm just making that objection for 12:55:05
2 the record. And it's improper to attempt to obtain 12:55:07
3 or try to use this testimony, Mr. Chung, as some 12:55:12
4 kind of exploration of some kind of approach -- you 12:55:16
5 know, expert testimony. 12:55:19

6 So I am putting that objection on. That's 12:55:20
7 not the scope of the discovery permitted in this 12:55:23
8 deposition. 12:55:25

9 You may say what you want. 12:55:28

10 A. I'll repeat my answer. I was asked, I 12:55:30
11 believe, to view this photograph and give commentary 12:55:32
12 of what I see. So, again, I'll repeat what I saw -- 12:55:36
13 I see. 12:55:39

14 I see a USB port that appears to be an 12:55:40
15 off-the-counter version. I see a stitch line, which 12:55:43
16 gives -- suggests to me that it's sewn to something 12:55:48
17 behind the material, similar to what Group III has 12:55:51
18 done with its design, to keep the USB in place. 12:55:55
19 That's what I see. 12:55:59

20 Q. Thank you, Mr. Pulichino. 12:56:03

21 MR. CHUNG: And just for the record, 12:56:04
22 Mr. Keyhani, I understand you disagree with the 12:56:06
23 scope of the questions, but I would ask that you 12:56:08
24 limit your objections to nonspeaking objections, as 12:56:11
25 stated by the rules of this court. 12:56:15

1 MR. KEYHANI: Yes, I am. But the problem 12:56:17
2 is, you continue. I have for the past few hours, 12:56:19
3 but you're continuing the line of questioning about 12:56:21
4 his opinions about a product that's not his product, 12:56:23
5 and he doesn't even -- has never actually -- have 12:56:26
6 any evidence that he actually is knowledgeable about 12:56:29
7 this product, other than what he sees. 12:56:33

8 So you're going into some testimony that's 12:56:35
9 outside the scope, as we see it. I'm just putting 12:56:38
10 that for the record so there's no confusion. I have 12:56:40
11 not -- I have been very careful to not present much 12:56:42
12 objections of any sort, certainly about anything 12:56:45
13 narrative, throughout this deposition. 12:56:48

14 Continue, Mr. Chung. 12:56:51

15 Q. And, sorry, Mr. Pulichino, I'm not sure I 12:57:02
16 just ever got -- actually got the answer to this 12:57:05
17 particular question. But if the -- you mentioned 12:57:07
18 that the holes or indentations that we see on top of 12:57:15
19 this USB port may be for design purposes. Is there 12:57:18
20 any other purpose that those holes could serve? 12:57:21

21 MR. KEYHANI: Same objection. 12:57:25

22 A. You know, I mean, if the hole goes 12:57:26
23 through, it could be for heat release. You know, 12:57:28
24 I -- I just don't know because I'm only seeing one 12:57:31
25 image of the item. It's hard for me to make a 12:57:36

Transcript of John Pulichino
Conducted on November 6, 2023

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1	judgment.	12:57:39
2	MR. CHUNG: Thank you, Mr. Pulichino. I	12:57:42
3	have no further questions for you. I understand	12:57:44
4	that Mr. Keyhani has some questions.	12:57:47
5	I'd just like to note an objection on the	12:57:51
6	record that I don't believe we've been notified that	12:57:53
7	plaintiff has served any subpoena on	12:57:56
8	Group III, but with that objection, Mr. Keyhani,	12:57:59
9	please go ahead.	12:58:04
10	MR. KEYHANI: Actually, Mr. Pulichino, you	12:58:07
11	can go have lunch. I don't have any questions for	12:58:10
12	you. Thank you very much.	12:58:13
13	MR. CHUNG: Thank you for your time,	12:58:16
14	Mr. Pulichino.	12:58:18
15	THE WITNESS: Okay. My pleasure. Thank	12:58:19
16	you.	12:58:21
17	THE VIDEOGRAPHER: Stand by. This marks	12:58:21
18	the end of the deposition of John Pulichino. We are	12:58:23
19	going off the record, the time is 12:58.	12:58:26
20	(Time Noted: 12:58 P.M.)	
21		
22		
23		
24		
25		

ACKNOWLEDGMENT OF DEPONENT

I, JOHN PULICHINO, do hereby acknowledge
that I have read and examined the foregoing
testimony and the same is a true, correct, and
complete transcription of the testimony given by me
and any corrections appear on the attached errata
sheet signed by me.

(SIGNATURE)

(DATE)

Transcript of John Pulichino
Conducted on November 6, 2023

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1 CIVIL ACTION NO. 6:23-cv-00196-ADA
2 SWISSDIGITAL USA CO.
3 LTD.,
4 UNITED STATES DISTRICT
5 v. COURT - FOR THE
6 SAMSONITE INTERNATIONAL WESTERN DIVISION OF TEXAS
7 S.A., WACO DIVISION
8

9 REPORTER'S CERTIFICATION
10 VIDEOTAPED ORAL DEPOSITION OF JOHN PULICHINO
11 Taken on November 6, 2023

12 I, Anita M. Trombetta, RMR, CRR, Certified
13 Shorthand Reporter in and for the State of New York,
14 hereby certify to the following:

15 That the witness, JOHN PULICHINO, was duly
16 sworn by the officer, and that the transcript of the
17 oral deposition is a true record of the testimony
18 given by the witness;

19 That the deposition transcript was submitted on
20 _____ to the witness or to the
21 attorney for the witness for examination, signature,
22 and return to me by _____;

23 That the amount of examination time used by
24 each party at the deposition is as follows:

25 BY MR. CHUNG: 02:05:10

1 That pursuant to information given to the
2 deposition officer at the time said testimony was
3 taken, the following includes counsel for all
4 parties of record:

5 ON BEHALF OF THE PLAINTIFF:

6 KEYHANI LLC

7 ON BEHALF OF THE DEFENDANTS:

8 FISH & RICHARDSON P.C.

9 ON BEHALF OF GROUP III AND THE WITNESS

10 CONCEPT LAW GROUP

11 I further certify that I am neither counsel
12 for, related to, nor employed by any of the parties
13 or attorneys in the action in which this proceeding
14 was taken, and further that I am not financially or
15 otherwise interested in the outcome of the action.

16 Further certification requirements pursuant to
17 Rule 203 of TRCP will be certified to after they
18 have occurred.

19 Certified to by me this day, November 15, 2023.

20
21 

22 Anita M. Trombetta, RMR, CRR
23 PLANET DEPOS, LLC
24 Texas Court Reporting Firm Reg. #686
25 451 Hungerford Drive, Suite 400
Rockville, Maryland 20850
(888) 433-4767

Transcript of John Pulichino
Conducted on November 6, 2023

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1 FURTHER CERTIFICATION UNDER RULE 203, TRCP

2
3 The original deposition/errata sheet was/was
4 not returned to the deposition officer on
5 _____;

6 If returned, the attached Changes and Signature
7 page contains any changes and the reasons therefor;

8 If returned, the original deposition was
9 delivered to Custodial Attorney;

10 That \$_____ is the deposition officer's
11 charges to the Plaintiff for preparing the original
12 deposition transcript and copies of exhibits, if
13 any;

14 That the deposition was delivered in accordance
15 with Rule 203.3, and that a copy of this certificate
16 was served on all parties shown herein on
17 _____ and filed with
18 the Clerk.

19 Certified to by me on _____.

20
21  _____

22 Anita M. Trombetta, RMR, CRR

23 PLANET DEPOS, LLC
24 Texas Court Reporting Firm Reg. #686
25 451 Hungerford Drive, Suite 400
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